

# **EXHIBIT 1**

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**U.S. Department of Justice**  
**Justice Management Division**  
**Office of General Counsel**

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Washington, D.C. 20530

**DEC 12 2017**

**VIA CERTIFIED RETURN RECEIPT**

**7014 2120 0000 8064 4964**

Dr. Ron Jarmin  
Performing the Non-Exclusive Functions and Duties of the Director  
U.S. Census Bureau  
United States Department of Commerce  
Washington, D.C. 20233-0001

Re: Request To Reinstate Citizenship Question On 2020 Census Questionnaire

Dear Dr. Jarmin:

The Department of Justice is committed to robust and evenhanded enforcement of the Nation's civil rights laws and to free and fair elections for all Americans. In furtherance of that commitment, I write on behalf of the Department to formally request that the Census Bureau reinstate on the 2020 Census questionnaire a question regarding citizenship, formerly included in the so-called "long form" census. This data is critical to the Department's enforcement of Section 2 of the Voting Rights Act and its important protections against racial discrimination in voting. To fully enforce those requirements, the Department needs a reliable calculation of the citizen voting-age population in localities where voting rights violations are alleged or suspected. As demonstrated below, the decennial census questionnaire is the most appropriate vehicle for collecting that data, and reinstating a question on citizenship will best enable the Department to protect all American citizens' voting rights under Section 2.

The Supreme Court has held that Section 2 of the Voting Rights Act prohibits "vote dilution" by state and local jurisdictions engaged in redistricting, which can occur when a racial group is improperly deprived of a single-member district in which it could form a majority. See *Thornburg v. Gingles*, 478 U.S. 30, 50 (1986). Multiple federal courts of appeals have held that, where citizenship rates are at issue in a vote-dilution case, citizen voting-age population is the proper metric for determining whether a racial group could constitute a majority in a single-member district. See, e.g., *Reyes v. City of Farmers Branch*, 586 F.3d 1019, 1023-24 (5th Cir. 2009); *Barnett v. City of Chicago*, 141 F.3d 699, 704 (7th Cir. 1998); *Negrn v. City of Miami Beach*, 113 F.3d 1563, 1567-69 (11th Cir. 1997); *Romero v. City of Pomona*, 883 F.2d 1418, 1426 (9th Cir. 1989), *overruled in part on other grounds by Townsend v. Holman Consulting Corp.*, 914 F.2d 1136, 1141 (9th Cir. 1990); see also *LULAC v. Perry*, 548 U.S. 399, 423-442 (2006) (analyzing vote-dilution claim by reference to citizen voting-age population).

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The purpose of Section 2's vote-dilution prohibition "is to facilitate participation ... in our political process" by preventing unlawful dilution of the vote on the basis of race. *Campos v. City of Houston*, 113 F.3d 544, 548 (5th Cir. 1997). Importantly, "[t]he plain language of section 2 of the Voting Rights Act makes clear that its protections apply to United States citizens." *Id.* Indeed, courts have reasoned that "[t]he right to vote is one of the badges of citizenship" and that "[t]he dignity and very concept of citizenship are diluted if noncitizens are allowed to vote." *Barnett*, 141 F.3d at 704. Thus, it would be the wrong result for a legislature or a court to draw a single-member district in which a numerical racial minority group in a jurisdiction was a majority of the total voting-age population in that district but "continued to be defeated at the polls" because it was not a majority of the citizen voting-age population. *Campos*, 113 F.3d at 548.

These cases make clear that, in order to assess and enforce compliance with Section 2's protection against discrimination in voting, the Department needs to be able to obtain citizen voting-age population data for census blocks, block groups, counties, towns, and other locations where potential Section 2 violations are alleged or suspected. From 1970 to 2000, the Census Bureau included a citizenship question on the so-called "long form" questionnaire that it sent to approximately one in every six households during each decennial census. See, e.g., U.S. Census Bureau, *Summary File 3: 2000 Census of Population & Housing—Appendix B at B-7* (July 2007), available at <https://www.census.gov/prod/cen2000/doc/sf3.pdf> (last visited Nov. 22, 2017); U.S. Census Bureau, *Index of Questions*, available at [https://www.census.gov/history/www/through\\_the\\_decades/index\\_of\\_questions/](https://www.census.gov/history/www/through_the_decades/index_of_questions/) (last visited Nov. 22, 2017). For years, the Department used the data collected in response to that question in assessing compliance with Section 2 and in litigation to enforce Section 2's protections against racial discrimination in voting.

In the 2010 Census, however, no census questionnaire included a question regarding citizenship. Rather, following the 2000 Census, the Census Bureau discontinued the "long form" questionnaire and replaced it with the American Community Survey (ACS). The ACS is a sampling survey that is sent to only around one in every thirty-eight households each year and asks a variety of questions regarding demographic information, including citizenship. See U.S. Census Bureau, *American Community Survey Information Guide at 6*, available at [https://www.census.gov/content/dam/Census/programs-surveys/acs/about/ACS Information Guide.pdf](https://www.census.gov/content/dam/Census/programs-surveys/acs/about/ACS%20Information%20Guide.pdf) (last visited Nov. 22, 2017). The ACS is currently the Census Bureau's only survey that collects information regarding citizenship and estimates citizen voting-age population.

The 2010 redistricting cycle was the first cycle in which the ACS estimates provided the Census Bureau's only citizen voting-age population data. The Department and state and local jurisdictions therefore have used those ACS estimates for this redistricting cycle. The ACS, however, does not yield the ideal data for such purposes for several reasons:

- Jurisdictions conducting redistricting, and the Department in enforcing Section 2, already use the total population data from the census to determine compliance with the Constitution's one-person, one-vote requirement, see *Evenwel v. Abbott*, 136 S. Ct. 1120 (Apr. 4, 2016). As a result, using the ACS citizenship estimates means relying on two different data sets, the scope and level of detail of which vary quite significantly.

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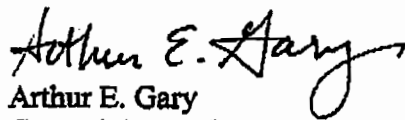
- Because the ACS estimates are rolling and aggregated into one-year, three-year, and five-year estimates, they do not align in time with the decennial census data. Citizenship data from the decennial census, by contrast, would align in time with the total and voting-age population data from the census that jurisdictions already use in redistricting.
- The ACS estimates are reported at a ninety percent confidence level, and the margin of error increases as the sample size—and, thus, the geographic area—decreases. See U.S. Census Bureau, *Glossary: Confidence interval (American Community Survey)*, available at [https://www.census.gov/glossary/#term\\_ConfidenceintervalAmericanCommunitySurvey](https://www.census.gov/glossary/#term_ConfidenceintervalAmericanCommunitySurvey) (last visited November 22, 2017). By contrast, decennial census data is a full count of the population.
- Census data is reported to the census block level, while the smallest unit reported in the ACS estimates is the census block group. See *American Community Survey Data* 3, 5, 10. Accordingly, redistricting jurisdictions and the Department are required to perform further estimates and to interject further uncertainty in order to approximate citizen voting-age population at the level of a census block, which is the fundamental building block of a redistricting plan. Having all of the relevant population and citizenship data available in one data set at the census block level would greatly assist the redistricting process.

For all of these reasons, the Department believes that decennial census questionnaire data regarding citizenship, if available, would be more appropriate for use in redistricting and in Section 2 litigation than the ACS citizenship estimates.

Accordingly, the Department formally requests that the Census Bureau reinstate into the 2020 Census a question regarding citizenship. We also request that the Census Bureau release this new data regarding citizenship at the same time as it releases the other redistricting data, by April 1 following the 2020 Census. At the same time, the Department requests that the Bureau also maintain the citizenship question on the ACS, since such question is necessary, *inter alia*, to yield information for the periodic determinations made by the Bureau under Section 203 of the Voting Rights Act, 52 U.S.C. § 10503.

Please let me know if you have any questions about this letter or wish to discuss this request. I can be reached at (202) 514-3452, or at [Arthur.Gary@usdoj.gov](mailto:Arthur.Gary@usdoj.gov).

Sincerely yours,



Arthur E. Gary  
General Counsel  
Justice Management Division



# **EXHIBIT 2**



**UNITED STATES DEPARTMENT OF COMMERCE**  
**The Secretary of Commerce**  
Washington, D.C. 20230

To: Karen Dunn Kelley, Under Secretary for Economic Affairs

From: Secretary Wilbur Ross

A handwritten signature in blue ink, which appears to read "Wilbur Ross", is written over the printed name of the Secretary.

Date: March 26, 2018

Re: Reinstatement of a Citizenship Question on the 2020 Decennial Census Questionnaire

Dear Under Secretary Kelley:

As you know, on December 12, 2017, the Department of Justice ("DOJ") requested that the Census Bureau reinstate a citizenship question on the decennial census to provide census block level citizenship voting age population ("CVAP") data that are not currently available from government survey data ("DOJ request"). DOJ and the courts use CVAP data for determining violations of Section 2 of the Voting Rights Act ("VRA"), and having these data at the census block level will permit more effective enforcement of the Act. Section 2 protects minority population voting rights.

Following receipt of the DOJ request, I set out to take a hard look at the request and ensure that I considered all facts and data relevant to the question so that I could make an informed decision on how to respond. To that end, the Department of Commerce ("Department") immediately initiated a comprehensive review process led by the Census Bureau.

The Department and Census Bureau's review of the DOJ request – as with all significant Census assessments – prioritized the goal of obtaining *complete and accurate data*. The decennial census is mandated in the Constitution and its data are relied on for a myriad of important government decisions, including apportionment of Congressional seats among states, enforcement of voting rights laws, and allocation of federal funds. These are foundational elements of our democracy, and it is therefore incumbent upon the Department and the Census Bureau to make every effort to provide a complete and accurate decennial census.

At my direction, the Census Bureau and the Department's Office of the Secretary began a thorough assessment that included legal, program, and policy considerations. As part of the process, I also met with Census Bureau leadership on multiple occasions to discuss their process for reviewing the DOJ request, their data analysis, my questions about accuracy and response rates, and their recommendations. At present, the Census Bureau leadership are all career civil servants. In addition, my staff and I reviewed over 50 incoming letters from stakeholders, interest groups, Members of Congress, and state and local officials regarding reinstatement of a citizenship question on the 2020 decennial census, and I personally had specific conversations on



the citizenship question with over 24 diverse, well informed and interested parties representing a broad range of views. My staff and I have also monitored press coverage of this issue.

Congress has delegated to me the authority to determine which questions should be asked on the decennial census, and I may exercise my discretion to reinstate the citizenship question on the 2020 decennial census, especially based on DOJ's request for improved CVAP data to enforce the VRA. By law, the list of decennial census questions is to be submitted two years prior to the decennial census – in this case, no later than March 31, 2018.

The Department's review demonstrated that collection of citizenship data by the Census has been a long-standing historical practice. Prior decennial census surveys of the entire United States population consistently asked citizenship questions up until 1950, and Census Bureau surveys of sample populations continue to ask citizenship questions to this day. In 2000, the decennial census "long form" survey, which was distributed to one in six people in the U.S., included a question on citizenship. Following the 2000 decennial census, the "long form" sample was replaced by the American Community Survey ("ACS"), which has included a citizenship question since 2005. Therefore, the citizenship question has been well tested.

DOJ seeks to obtain CVAP data for census blocks, block groups, counties, towns, and other locations where potential Section 2 violations are alleged or suspected, and DOJ states that the current data collected under the ACS are insufficient in scope, detail, and certainty to meet its purpose under the VRA. The Census Bureau has advised me that the census-block-level citizenship data requested by DOJ are not available using the annual ACS, which as noted earlier does ask a citizenship question and is the present method used to provide DOJ and the courts with data used to enforce Section 2 of the VRA. The ACS is sent on an annual basis to a sample of approximately 2.6 percent of the population.

To provide the data requested by DOJ, the Census Bureau initially analyzed three alternatives: Option A was to continue the status quo and use ACS responses; Option B was placing the ACS citizenship question on the decennial census, which goes to every American household; and Option C was not placing a question on the decennial census and instead providing DOJ with a citizenship analysis for the entire population using federal administrative record data that Census has agreements with other agencies to access for statistical purposes.

**Option A** contemplates rejection of the DOJ request and represents the status quo baseline. Under Option A, the 2020 decennial census would not include the question on citizenship that DOJ requested and therefore would not provide DOJ with improved CVAP data. Additionally, the block-group level CVAP data currently obtained through the ACS has associated margins of error because the ACS is extrapolated based on sample surveys of the population. Providing more precise block-level data would require sophisticated statistical modeling, and if Option A is selected, the Census Bureau advised that it would need to deploy a team of experts to develop model-based methods that attempt to better facilitate DOJ's request for more specific data. But the Census Bureau did not assert and could not confirm that such data modeling is possible for census-block-level data with a sufficient degree of accuracy. Regardless, DOJ's request is based at least in part on the fact that existing ACS citizenship data-sets lack specificity and



completeness. Any future modeling from these incomplete data would only compound that problem.

Option A would provide no improved citizenship count, as the existing ACS sampling would still fail to obtain *actual*, complete number counts, especially for certain lower population areas or voting districts, and there is no guarantee that data could be improved using small-area modeling methods. Therefore, I have concluded that Option A is not a suitable option.

The Census Bureau and many stakeholders expressed concern that **Option B**, which would add a citizenship question to the decennial census, would negatively impact the response rate for non-citizens. A significantly lower response rate by non-citizens could reduce the accuracy of the decennial census and increase costs for non-response follow up (“NRFU”) operations. However, neither the Census Bureau nor the concerned stakeholders could document that the response rate would in fact decline materially. In discussing the question with the national survey agency Nielsen, it stated that it had added questions from the ACS on sensitive topics such as place of birth and immigration status to certain short survey forms without any appreciable decrease in response rates. Further, the former director of the Census Bureau during the last decennial census told me that, while he wished there were data to answer the question, none existed to his knowledge. Nielsen’s Senior Vice President for Data Science and the former Deputy Director and Chief Operating Officer of the Census Bureau under President George W. Bush also confirmed that, to the best of their knowledge, no empirical data existed on the impact of a citizenship question on responses.

When analyzing Option B, the Census Bureau attempted to assess the impact that reinstatement of a citizenship question on the decennial census would have on response rates by drawing comparisons to ACS responses. However, such comparative analysis was challenging, as response rates generally vary between decennial censuses and other census sample surveys. For example, ACS self-response rates were 3.1 percentage points less than self-response rates for the 2010 decennial census. The Bureau attributed this difference to the greater outreach and follow-up associated with the Constitutionally-mandated decennial census. Further, the decennial census has differed significantly in nature from the sample surveys. For example, the 2000 decennial census survey contained only eight questions. Conversely, the 2000 “long form” sample survey contained over 50 questions, and the Census Bureau estimated it took an average of over 30 minutes to complete. ACS surveys include over 45 questions on numerous topics, including the number of hours worked, income information, and housing characteristics.

The Census Bureau determined that, for 2013-2016 ACS surveys, nonresponses to the citizenship question for non-Hispanic whites ranged from 6.0 to 6.3 percent, for non-Hispanic blacks ranged from 12.0 to 12.6 percent, and for Hispanics ranged from 11.6 to 12.3 percent. However, these rates were comparable to nonresponse rates for other questions on the 2013 and 2016 ACS. Census Bureau estimates showed similar nonresponse rate ranges occurred for questions on the ACS asking the number times the respondent was married, 4.7 to 6.9 percent; educational attainment, 5.6 to 8.5 percent; monthly gas costs, 9.6 to 9.9 percent; weeks worked in the past 12 months, 6.9 to 10.6 percent; wages/salary income, 8.1 to 13.4 percent; and yearly property insurance, 23.9 to 25.6 percent.



The Census Bureau also compared the self-response rate differences between citizen and non-citizen households' response rates for the 2000 decennial census short form (which did not include a citizenship question) and the 2000 decennial census long form survey (the long form survey, distributed to only one in six households, included a citizenship question in 2000). Census found the decline in self-response rates for non-citizens to be 3.3 percent greater than for citizen households. However, Census was not able to isolate what percentage of decline was caused by the inclusion of a citizenship question rather than some other aspect of the long form survey (it contained over six times as many questions covering a range of topics). Indeed, the Census Bureau analysis showed that for the 2000 decennial census there was a significant drop in self response rates overall between the short and long form; the mail response rate was 66.4 percent for the short form and only 53.9 percent for the long form survey. So while there is widespread belief among many parties that adding a citizenship question could reduce response rates, the Census Bureau's analysis did not provide definitive, empirical support for that belief.

**Option C**, the use of administrative records rather than placing a citizenship question on the decennial census, was a potentially appealing solution to the DOJ request. The use of administrative records is increasingly part of the fabric and design of modern censuses, and the Census Bureau has been using administrative record data to improve the accuracy and reduce the cost of censuses since the early 20th century. A Census Bureau analysis matching administrative records with the 2010 decennial census and ACS responses over several more recent years showed that using administrative records could be more accurate than self-responses in the case of non-citizens. That Census Bureau analysis showed that between 28 and 34 percent of the citizenship self-responses for persons that administrative records show are non-citizens were inaccurate. In other words, when non-citizens respond to long form or ACS questions on citizenship, they inaccurately mark "citizen" about 30 percent of the time. However, the Census Bureau is still evolving its use of administrative records, and the Bureau does not yet have a complete administrative records data set for the entire population. Thus, using administrative records alone to provide DOJ with CVAP data would provide an incomplete picture. In the 2010 decennial census, the Census Bureau was able to match 88.6 percent of the population with what the Bureau considers credible administrative record data. While impressive, this means that more than 10 percent of the American population – some 25 million voting age people – would need to have their citizenship imputed by the Census Bureau. Given the scale of this number, it was imperative that another option be developed to provide a greater level of accuracy than either self-response alone or use of administrative records alone would presently provide.

I therefore asked the Census Bureau to develop a fourth alternative, **Option D**, which would combine Options B and C. Under Option D, the ACS citizenship question would be asked on the decennial census, and the Census Bureau would use the two years remaining until the 2020 decennial census to further enhance its administrative record data sets, protocols, and statistical models to provide more complete and accurate data. This approach would maximize the Census Bureau's ability to match the decennial census responses with administrative records. Accordingly, at my direction the Census Bureau is working to obtain as many additional Federal and state administrative records as possible to provide more comprehensive information for the population.



It is my judgment that Option D will provide DOJ with the most complete and accurate CVAP data in response to its request. Asking the citizenship question of 100 percent of the population gives each respondent the opportunity to provide an answer. This may eliminate the need for the Census Bureau to have to impute an answer for millions of people. For the approximately 90 percent of the population who are citizens, this question is no additional imposition. And for the approximately 70 percent of non-citizens who already answer this question accurately on the ACS, the question is no additional imposition since census responses by law may only be used anonymously and for statistical purposes. Finally, placing the question on the decennial census and directing the Census Bureau to determine the best means to compare the decennial census responses with administrative records will permit the Census Bureau to determine the inaccurate response rate for citizens and non-citizens alike using the entire population. This will enable the Census Bureau to establish, to the best of its ability, the accurate ratio of citizen to non-citizen responses to impute for that small percentage of cases where it is necessary to do so.

**Consideration of Impacts** I have carefully considered the argument that the reinstatement of the citizenship question on the decennial census would depress response rate. Because a lower response rate would lead to increased non-response follow-up costs and less accurate responses, this factor was an important consideration in the decision-making process. I find that the need for accurate citizenship data and the limited burden that the reinstatement of the citizenship question would impose outweigh fears about a potentially lower response rate.

Importantly, the Department's review found that limited empirical evidence exists about whether adding a citizenship question would decrease response rates materially. Concerns about decreased response rates generally fell into the following two categories – distrust of government and increased burden. First, stakeholders, particularly those who represented immigrant constituencies, noted that members of their respective communities generally distrusted the government and especially distrusted efforts by government agencies to obtain information about them. Stakeholders from California referenced the difficulty that government agencies faced obtaining any information from immigrants as part of the relief efforts after the California wildfires. These government agencies were not seeking to ascertain the citizenship status of these wildfire victims. Other stakeholders referenced the political climate generally and fears that Census responses could be used for law enforcement purposes. But no one provided evidence that reinstating a citizenship question on the decennial census would materially decrease response rates among those who generally distrusted government and government information collection efforts, disliked the current administration, or feared law enforcement. Rather, stakeholders merely identified residents who made the decision not to participate regardless of whether the Census includes a citizenship question. The reinstatement of a citizenship question will not decrease the response rate of residents who already decided not to respond. And no one provided evidence that there are residents who would respond accurately to a decennial census that did not contain a citizenship question but would not respond if it did (although many believed that such residents had to exist). While it is possible this belief is true, there is no information available to determine the number of people who would in fact not respond due to a citizenship question being added, and no one has identified any mechanism for making such a determination.



A second concern that stakeholders advanced is that recipients are generally less likely to respond to a survey that contained more questions than one that contained fewer. The former Deputy Director and Chief Operating Officer of the Census Bureau during the George W. Bush administration described the decennial census as particularly fragile and stated that any effort to add questions risked lowering the response rate, especially a question about citizenship in the current political environment. However, there is limited empirical evidence to support this view. A former Census Bureau Director during the Obama Administration who oversaw the last decennial census noted as much. He stated that, even though he believed that the reinstatement of a citizenship question would decrease response rate, there is limited evidence to support this conclusion. This same former director noted that, in the years preceding the decennial census, certain interest groups consistently attack the census and discourage participation. While the reinstatement of a citizenship question may be a data point on which these interest groups seize in 2019, past experience demonstrates that it is likely efforts to undermine the decennial census will occur again regardless of whether the decennial census includes a citizenship question. There is no evidence that residents who are persuaded by these disruptive efforts are more or less likely to make their respective decisions about participation based specifically on the reinstatement of a citizenship question. And there are actions that the Census Bureau and stakeholder groups are taking to mitigate the impact of these attacks on the decennial census.

Additional empirical evidence about the impact of sensitive questions on survey response rates came from the SVP of Data Science at Nielsen. When Nielsen added questions on place of birth and time of arrival in the United States (both of which were taken from the ACS) to a short survey, the response rate was not materially different than it had been before these two questions were added. Similarly, the former Deputy Director and COO of the Census during the George W. Bush Administration shared an example of a citizenship-like question that he believed would negatively impact response rates but did not. He cited to the Department of Homeland Security's 2004 request to the Census Bureau to provide aggregate data on the number of Arab Americans by zip code in certain areas of the country. The Census Bureau complied, and Census employees, including the then-Deputy Director, believed that the resulting political firestorm would depress response rates for further Census Bureau surveys in the impacted communities. But the response rate did not change materially.

Two other themes emerged from stakeholder calls that merit discussion. First, several stakeholders who opposed reinstatement of the citizenship question did not appreciate that the question had been asked in some form or another for nearly 200 years. Second, other stakeholders who opposed reinstatement did so based on the assumption that the data on citizenship that the Census Bureau collects through the ACS are accurate, thereby obviating the need to ask the question on the decennial census. But as discussed above, the Census Bureau estimates that between 28 and 34 percent of citizenship self-responses on the ACS for persons that administrative records show are non-citizens were inaccurate. Because these stakeholder concerns were based on incorrect premises, they are not sufficient to change my decision.



Finally, I have considered whether reinstating the citizenship question on the 2020 Census will lead to any significant monetary costs, programmatic or otherwise. The Census Bureau staff have advised that the costs of preparing and adding the question would be minimal due in large part to the fact that the citizenship question is already included on the ACS, and thus the citizenship question has already undergone the cognitive research and questionnaire testing required for new questions. Additionally, changes to the Internet Self-Response instrument, revising the Census Questionnaire Assistance, and redesigning of the printed questionnaire can be easily implemented for questions that are finalized prior to the submission of the list of questions to Congress.

The Census Bureau also considered whether non-response follow-up increases resulting from inclusion of the citizenship question would lead to increased costs. As noted above, this estimate was difficult to assess given the Census Bureau and Department's inability to determine what impact there will be on decennial census survey responses. The Bureau provided a rough estimate that postulated that up to 630,000 additional households may require NRFU operations if a citizenship question is added to the 2020 decennial census. However, even assuming that estimate is correct, this additional  $\frac{1}{2}$  percent increase in NRFU operations falls well within the margin of error that the Department, with the support of the Census Bureau, provided to Congress in the revised Lifecycle Cost Estimate ("LCE") this past fall. That LCE assumed that NRFU operations might increase by 3 percent due to numerous factors, including a greater increase in citizen mistrust of government, difficulties in accessing the Internet to respond, and other factors.

Inclusion of a citizenship question on this country's decennial census is not new – the decision to collect citizenship information from Americans through the decennial census was first made centuries ago. The decision to include a citizenship question on a national census is also not uncommon. The United Nations recommends that its member countries ask census questions identifying both an individual's country of birth and the country of citizenship. *Principals and Recommendations for Population and Housing Censuses (Revision 3)*, UNITED NATIONS 121 (2017). Additionally, for countries in which the population may include a large portion of naturalized citizens, the United Nations notes that, "it may be important to collect information on the method of acquisition of citizenship." *Id.* at 123. And it is important to note that other major democracies inquire about citizenship on their census, including Australia, Canada, France, Germany, Indonesia, Ireland, Mexico, Spain, and the United Kingdom, to name a few.

The Department of Commerce is not able to determine definitively how inclusion of a citizenship question on the decennial census will impact responsiveness. However, even if there is some impact on responses, the value of more complete and accurate data derived from surveying the entire population outweighs such concerns. Completing and returning decennial census questionnaires is required by Federal law, those responses are protected by law, and inclusion of a citizenship question on the 2020 decennial census will provide more complete information for those who respond. The citizenship data provided to DOJ will be more accurate with the question than without it, which is of greater importance than any adverse effect that may result from people violating their legal duty to respond.



To conclude, after a thorough review of the legal, program, and policy considerations, as well as numerous discussions with the Census Bureau leadership and interested stakeholders, I have determined that reinstatement of a citizenship question on the 2020 decennial census is necessary to provide complete and accurate data in response to the DOJ request. To minimize any impact on decennial census response rates, I am directing the Census Bureau to place the citizenship question last on the decennial census form.

Please make my decision known to Census Bureau personnel and Members of Congress prior to March 31, 2018. I look forward to continuing to work with the Census Bureau as we strive for a complete and accurate 2020 decennial census.

CC: Ron Jarmin, performing the nonexclusive functions and duties of the Director of the Census Bureau

Enrique Lamas, performing the nonexclusive functions and duties of the Deputy Director of the Census Bureau

# **EXHIBIT 3**

**Exhibit A: Chart Comparing Prior Testimony or Representations With New Evidence**

<b>Prior Testimony or Representations</b>	<b>New Evidence</b>
<p>Neuman denied at deposition that his October 2017 meeting with Gore was about a “letter from DOJ regarding the citizenship question.” Ex. B at 273:10-21. He testified that the meeting was instead about “how Census interacts with the Justice Department” generally. <i>Id.</i> When asked what information he gave Gore at the meeting, Neuman described a different document, but not the Neuman DOJ Letter. <i>Id.</i> at 123:20-124:7.</p> <p>Gore testified that he “drafted the initial draft of the letter to request the citizenship question sometime around the end of October or early November of 2017.” Ex. E at 150:9-13; <i>see also id.</i> at 127:12-17, 343:19-21.</p>	<p>Gore recently told congressional investigators that Neuman gave him the Neuman DOJ Letter, which was framed as a request from DOJ to Commerce requesting the addition of the citizenship question, at their October 2017 meeting which was arranged by Commerce’s General Counsel. Ex. F at 2-4.</p>
<p>Neuman testified that he “wasn’t part of the drafting process of the [DOJ] letter.” Ex. B at 114:15-21.</p>	<p>Neuman gave Gore the Neuman DOJ Letter in October 2017. Ex. F at 2-4.</p>
<p>When asked about the “substance” of his conversations with Dr. Hofeller “about the citizenship question” after January 2017, Neuman testified that Dr. Hofeller said, “Mark, you need to make sure that we take a good census, that the administration doesn’t skimp on the budget.” Ex. B at 138:3-15.</p>	<p>Dr. Hofeller helped ghostwrite the Neuman DOJ Letter for Neuman in August 2017. Exs. G, H.</p>
<p>Neuman denied at deposition that “Mr. Hofeller was one of the people [Neuman] relied on for expertise on the Voting Rights Act.” Ex. B at 143:25-144:6.</p>	<p>The paragraph of the Neuman DOJ Letter that Dr. Hofeller ghostwrote specifically concerns VRA enforcement. Exs. G, H.</p>
<p>Neuman testified that Dr. Hofeller “did not appear to me to be an adviser to the ... administration at all.” Ex. B at 136:9-10.</p>	<p>Dr. Hofeller helped ghostwrite the Neuman DOJ Letter for Neuman in August 2017, which Neuman gave to Gore at a meeting arranged by the Commerce General Counsel. Exs. G, H, F.</p>
<p>Neuman testified that Dr. Hofeller told him that adding the citizenship question would “maximize[]” representation for the “Latino community.” Ex. B at 142:3-18.</p>	<p>Dr. Hofeller concluded in his 2015 study that adding a citizenship question to facilitate the use of CVAP in redistricting would benefit “Non-Hispanic Whites” while significantly harming Latino voters. Ex. D at 6-9.</p>

Defendants represented to this Court that “[t]he record does not indicate that Mr. Neuman provided any particularly significant consultations on the citizenship question ... during his conversations with Commerce officials in 2017.” ECF 346 at 2.	Neuman was the key conduit between Commerce and DOJ in the fall of 2017, including transmitting the Neuman DOJ Letter to Gore at the request of Commerce’s General Counsel. Ex. F at 2-4.
Neuman testified that he did not know who authored the Neuman DOJ letter or who wrote the “first template.” Ex. B at 280:8-15.	Dr. Hofeller helped ghostwrite the Neuman DOJ Letter, which Neuman gave to Gore in October 2017. Exs. F, G, H.
Defendants represented to this Court that there was a “low likelihood of AAG Gore’s testimony resulting in any relevant evidence concerning Secretary Ross’s decision or intent.” ECF 90 at 1.	Defendants knew, but failed to disclose, that Gore met with Neuman in October 2017 at the request of Commerce’s General Counsel, during which Neuman gave Gore the Neuman DOJ Letter. Ex. F at 2-4.



# **EXHIBIT 4**

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

ROBYN KRAVITZ, et al.,     ) Civil Action No.  
                                   ) 8:18-cv-01041-GJH  
                  Plaintiffs,     )  
                                   ) Hon. George J. Hazel  
vs.                                 )  
                                   )  
U.S DEPARTMENT OF         )  
COMMERCE, et al.,         )  
                                   )  
                  Defendants.     )  
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                                   )  
                                   )  
LA UNION DEL PUEBLO     ) Civil Action No.  
ENTERO; et al.,         ) 8:18-cv-01570-GJH  
                                   )  
                  Plaintiffs,     ) Hon. George J. Hazel  
                                   )  
vs.                                 )  
                                   )  
WILBUR L. ROSS, sued in )  
his official capacity as)  
U.S. Secretary of         )  
Commerce, et al.,         )  
                                   )  
                  Defendants.     )

VIDEOTAPED DEPOSITION OF A. MARK NEUMAN  
Taken on behalf of Plaintiffs  
October 28, 2018  
(Starting time of the deposition: 12:22 p.m.)

Veritext Legal Solutions  
Mid-Atlantic Region  
1250 Eye Street NW - Suite 350  
Washington, D.C. 20005

1     you know.

2           A.     I don't have -- I -- I never really sort of  
3     knew the total number of people who were on the  
4     Commerce transition. Because, again, there were  
5     people who showed up at meetings, and I didn't see  
6     very much, and there were other people that -- the  
7     core group of people, when we were writing a Commerce  
8     agency action plan, sitting around the table, David  
9     Bohigian, Willie Gaynor, David Rokeach.

10          Q.     (By Mr. Duraiswamy) Anyone else that you  
11     remember on the Commerce team, other than those three?

12          A.     Loretta Green was sort of the -- you know,  
13     like coordinating -- coordinating appointments for  
14     Ray, you know, arranging when Ray would show up.  
15     Again, that -- that was really the core group of  
16     people on the agency action plan. And I wasn't always  
17     there. So like, you know, there -- there was a lot of  
18     time that I wasn't even in town.

19          Q.     Who is Tom Hoffler?

20          A.     Tom Hoffler was a person who was known in  
21     the redistricting community. He passed away in -- in  
22     August.

23          Q.     Was he a member of the transition?

24          A.     No, he was not.

25          Q.     What was the context in which you talked to

1 him about the citizenship question during the  
2 transition?

3 A. He would have told me what views of members  
4 of Congress would have been on this issue.

5 Q. Did he reach out to you to have that  
6 conversation, or did you reach out to him?

7 A. I can't remember which it was, but, you  
8 know, I've known him for 25 years.

9 Q. How do you know him?

10 A. I knew him when he was working at the NRCC,  
11 and I knew him when he was working at the Department  
12 of Agriculture.

13 Q. Could you spell his last name for me?

14 A. It's H-O-F-F-L-E-R, I think. Thomas  
15 Hoffler.

16 Q. How many times did you talk to him about the  
17 citizenship question during the transition?

18 A. I don't know how many times.

19 Q. More than five? Less than five?

20 A. It certainly would be less than ten. It  
21 would -- probably less than five during the  
22 transition.

23 Q. Why were you talking to him about the views  
24 of members of Congress regarding the citizenship  
25 question?

1           A.    The goal of the transition is not to sort of  
2   say, "This is what you should do. This is what you  
3   shouldn't do." The goal of the -- one of the most  
4   important things that Willie Gaynor and others wanted  
5   us to do is reach out to people who would be pushing  
6   different things related to Commerce and make sure  
7   that we had an understanding if someone was going to  
8   introduce legislation on NOAA, that we would have a  
9   forecast of likely proposals, likely interests, likely  
10   budgetary issues, likely priorities. So the incoming  
11   team would have a good sense of what Congress is  
12   likely to do.

13          Q.    So if I understand you correctly, one of the  
14   things you were trying to accomplish on a transition  
15   is understand the views of members of Congress with  
16   regard to certain policy issues that were relevant to  
17   the Commerce Department and what the --

18          A.    Correct.

19          Q.    -- incoming team would have to deal with at  
20   the Commerce Department, correct?

21          A.    So on NOAA, we would be interested. Well,  
22   people from Alaska are very interested in fisheries.  
23   The Magnuson Act. People from other states with  
24   installations are interested in the NOAA satellites,  
25   that this delegation is interested in the technology



1 issues or the intellectual property issues related to  
2 PTO, that there are budgetary issues that the  
3 Oversight Committee or the Appropriations Committee  
4 thinks that the Census Bureau is costing too much, or  
5 spending too much money. You'd want to have all of  
6 that, that forecast in there, and not prejudge what --  
7 whether Congress was right or wrong about the issue.

8 But Congress is likely to introduce  
9 legislation affecting international -- affecting NAFTA  
10 and dispute resolutions. So you would want to have a  
11 forecast so you could give them a sense of what --  
12 what issues they're going to face coming into the  
13 door.

14 Q. So you were speaking with Mr. Hoffler to  
15 understand the views of Congress with respect to a  
16 potential citizenship question on the decennial,  
17 because that was an issue that you anticipated the  
18 incoming Commerce team was going to be dealing with?

19 A. They needed to understand that this was one  
20 of the issues that people would raise with him.

21 Q. Who is the "they"? When you say, "they  
22 needed to understand that this was one of the  
23 issues" --

24 A. The incoming Commerce team needed to  
25 understand all the potential issues that would be

1 raised by members of Congress, especially those in  
2 oversight roles or committee chairmen. And so this  
3 was one of many, many issues that were identified.

4 Q. So you were speaking with Mr. Hoffler to --  
5 to understand and identify issues related to the  
6 Commerce Department that members of Congress would  
7 likely be interested in; is that correct?

8 A. I was trying to make sure that if the new  
9 Commerce team were going on the Hill and meeting with  
10 people on the census, that they would understand  
11 issues that would be raised to them.

12 Q. And specifically the conversations with  
13 Mr. Hoffler were to understand what members of  
14 Congress might say or think about possibly adding a  
15 citizenship question to the 2020 decennial?

16 A. No, that would have been one --

17 MR. ROSENBERG: Objection, form.

18 Q. (By Mr. Duraiswamy) I'm sorry, go ahead.

19 A. That would have been one of the issues.  
20 Remember, Tom Hoffler is also pretty important,  
21 because in the past Tom Hoffler was able to get  
22 members of Congress to support funding for the Bureau.  
23 Because he would say, we need to take a good census.  
24 Because, remember, people generally don't want to  
25 spend money on the census until we get on top of 2020.

1 Q. And you said Mr. Hoffler was a redistricting  
2 expert; is that right?

3 A. He was a point person on redistricting,  
4 yeah.

5 Q. A point person in what context?

6 A. He would talk to members of Congress about  
7 redistricting.

8 Q. From his perch at the NRCC?

9 A. He wasn't -- I'm not sure he was at the NRCC  
10 at the time. I'm not sure he was a -- he was  
11 certainly a person that was connected to that issue.

12 Q. Do you know when he was at the NRCC?

13 A. I would imagine that he was a consultant or  
14 something. Again, I don't know his status, but I know  
15 that he was connected to that.

16 Q. What other issues did you talk to  
17 Mr. Hoffler about during the transition, other than  
18 the citizenship question, redistricting issues and  
19 funding issues?

20 A. About the -- about the challenges that the  
21 census would face in 2020. Because again, we were  
22 going to the Internet to the online response. We were  
23 going to -- we're adopting new technology. And, you  
24 know, when I talk to people, stakeholders, I'm talking  
25 always about the challenges that we'll face in the



1 next census that we didn't face in the last one.

2 And those really have to do with the work  
3 force. They have to do with the technology that  
4 sometimes is successful, sometimes is unsuccessful.  
5 And what -- it's really important for the census to  
6 have a broad -- a broad range of stakeholders that all  
7 have skin in the game, that all feel like they're  
8 united around the idea of, you know, we may have  
9 political differences, but we all want to take a good  
10 census.

11 Q. What do you recall learning from Mr. Hoffler  
12 about the views of members of Congress regarding a  
13 potential citizenship question on the 2020 decennial?

14 A. Pretty much what I just explained to you.

15 Q. Maybe I didn't understand. I'm trying to  
16 understand what were the views that members of  
17 Congress held that he conveyed to you?

18 MR. ROSENBERG: Objection. It call -- form.  
19 It calls for speculation.

20 Q. (By Mr. Duraiswamy) You -- you can answer.  
21 They will object from time to time. Unless they tell  
22 you not to answer, you can answer.

23 MR. FELDMAN: The only comment I would have,  
24 if you know in the conversations that he specifically  
25 represented something from his knowledge of Congress'

1 view.

2 A. I -- I -- I don't recall specifics, but I  
3 know, in general, Tom always believed, and I share his  
4 view on this, block level data, accurate block level  
5 data is very important.

6 Q. (By Mr. Duraiswamy) For redistricting  
7 purposes?

8 A. For everything. For everything.

9 Q. Including redistricting purposes?

10 A. Including redistricting purposes.

11 Q. Block level data for what?

12 A. For everything. For all census data, and  
13 that basically if you -- the hardest thing about the  
14 census is not counting everyone living in America.  
15 It's counting everyone living in America at the right  
16 address one time.

17 Q. And he conveyed that view to you in your  
18 conversations with him during the transition?

19 MR. ROSENBERG: Objection, vague, form.

20 A. Yeah, again --

21 Q. (By Mr. Duraiswamy) Let me try to --

22 A. I gave you a broad thing of -- of something  
23 that Tom was always concerned with in every  
24 conversation that I would have with him.

25 Q. I'm just trying to understand. You said you

1 talked to him about the views of members of Congress  
2 related to the citizenship question.

3 A. I -- so I would start --

4 Q. That's my understanding.

5 A. I would start out the conversation by saying  
6 what are members of Congress likely to raise on the  
7 census issue that we can incorporate into the  
8 transition planning so the new Commerce team is not  
9 blindsided.

10 Q. And then he raised the issue of a  
11 citizenship question or an immigration --

12 A. That was one of -- that was one of the  
13 questions.

14 Q. Okay. Did he --

15 A. And I'm sure that we talked about census  
16 residency rules as well.

17 Q. Can you -- just for people who may not  
18 understand what census residency rules means, can you  
19 explain what that means?

20 A. It basically means where were you on  
21 April 1st. So people move around, they're snowbirds,  
22 they're living at colleges, they're incarcerated or  
23 otherwise detained. They're in group houses. There's  
24 overseas military. Census residency rules say -- are  
25 designed to ensure that people are -- are counted at



1 the right address.

2 Q. I assume you talked about census residency  
3 rules for undocumented immigrants?

4 A. No, not that I recall.

5 Q. It's possible, but you just don't recall one  
6 way or the other?

7 A. I don't recall that. It's generally not  
8 something associated -- residency rules generally  
9 don't get associated with that issue, unless you're  
10 dealing with migrant farm workers who tend to be  
11 documented.

12 Q. Well, you know there's litigation going on  
13 about that right now, right?

14 A. Not -- I don't.

15 MR. ROSENBERG: Objection.

16 A. I don't.

17 Q. (By Mr. Duraiswamy) Okay. That's fair. I'm  
18 sorry.

19 (The court reporter motioned to the  
20 attorney.)

21 MR. DURAISWAMY: I will do my best, but I  
22 will caution you that may not be the last time you  
23 have to remind me.

24 COURT REPORTER: Thanks.

25 Q. (By Mr. Duraiswamy) And the census residency

1 Then there was October. Not a lot happened. Then  
2 November, a lot of activity. Then December, a lot of  
3 activity. Now a lot of activity.

4 So it's -- and, again, this is a part-time  
5 volunteer job, so it's very difficult for me to kind  
6 of try to recall exactly who said what when.

7 Q. Well -- well, do you recall discussing with  
8 other individuals on the Commerce team whether there  
9 were particular people or constituencies who are  
10 interested in adding a citizenship question to the  
11 census?

12 MR. ROSENBERG: Objection, vague.

13 MR. FELDMAN: If you -- if you can answer  
14 it, answer it.

15 A. Tom Hoffler was, I think, the first person  
16 that said something to me about that issue.

17 Q. (By Mr. Duraiswamy) Meaning he -- he --

18 A. He flagged it, you know. He said --

19 Q. He flagged it as something that might be of  
20 interest to some people --

21 A. Right.

22 Q. -- in constituencies?

23 A. Right.

24 Q. And you said he was a point person for  
25 redistricting in certain circles. He's -- he's a

1 Republican -- he was a Republican?

2 A. Yeah, he is.

3 Q. Okay.

4 A. Yeah.

5 Q. And so his work on redistricting over the  
6 years has been in connection with the Republican party  
7 or different state Republican parties, if you know?

8 A. Well, he was --

9 MR. ROSENBERG: Objection, vague, lack of  
10 foundation.

11 MR. FELDMAN: Go ahead.

12 A. He was the person I recall in the 2000  
13 census who was advising Bill Thomas, who was the  
14 Chairman of the House Administration Committee, and  
15 Bill Thomas was an expert, you know, as -- he was an  
16 expert on a lot of things, but he was an expert on  
17 redistricting. So I knew that Tom Hoffler had the ear  
18 of committee chairmen who would interact with a  
19 Secretary of Commerce.

20 Q. (By Mr. Duraiswamy) Did he -- do you recall  
21 him referring to specific members of Congress who  
22 might be interested in that issue?

23 A. I don't recall --

24 MR. ROSENBERG: Objection, vague --

25 A. -- the specific ones.



1 MR. ROSENBERG: -- as to who the him was.

2 MR. DURAISWAMY: Okay.

3 MR. FELDMAN: He answered it.

4 MR. DURAISWAMY: That's fine. I'd ask,  
5 though, that you just object to the form.

6 MR. ROSENBERG: (Nodding head.)

7 Q. (By Mr. Duraiswamy) What was the substance  
8 of the conversations that you had with the other  
9 members of the Commerce team regarding a citizenship  
10 question during the transition?

11 A. Again, one of many issues.

12 Q. I understand it's one of many issues. I'm  
13 just trying to understand what was discussed about it.

14 MR. FELDMAN: When?

15 MR. DURAISWAMY: During the transition.

16 MR. FELDMAN: That's from a period of when  
17 to when? Why don't we put --

18 A. From September through -- through January.

19 Q. (By Mr. Duraiswamy) When did you join the  
20 transition?

21 A. Probably September was the first time I went  
22 there.

23 Q. Okay. And I assume we can agree that the  
24 transition ended at the time that President Trump, now  
25 President Trump, took office as --

1 A. Right.

2 Q. -- the president, correct?

3 A. Right.

4 Q. Okay.

5 A. So, again, the November, December, January  
6 is a whirlwind of activity. I'm volunteering. This  
7 is my spare time that I'm doing it, and it's not like  
8 I'm there 8:00 to 5:00 five days a week. I'm there  
9 when I can be there. And so, again, very difficult  
10 for me to try to recall who said what to whom.

11 Q. Okay. Let me try to be more specific. Did  
12 you all talk about the potential uses of a citizenship  
13 question on the census?

14 A. Uses?

15 Q. Of how the citizenship -- of how -- strike  
16 that.

17 By uses, I mean how the data gathered from  
18 asking the citizenship question could be used?

19 A. Well, my understanding would be that the use  
20 would be having block level citizen voting age  
21 population data.

22 Q. And that was the understanding that you had  
23 at the time?

24 A. That was what I was told was the principal  
25 objective.

1 Q. By who?

2 A. By Tom Hoffler.

3 Q. For what purpose?

4 A. Taxes.

5 Q. What would be the value of having block  
6 level --

7 A. Citizen age voting -- to ensure one person,  
8 one vote.

9 Q. Can you explain, how -- how does having  
10 block level citizenship voting age population data  
11 ensure one person, one vote?

12 A. This is going to be a long explanation.

13 Q. That's fine.

14 A. Have you -- have you read through my  
15 presentation on this?

16 Q. Yes.

17 A. You know which one it is?

18 Q. I think so.

19 A. You said to a federal judge that I -- that  
20 there was no record of what I talked about with the  
21 Secretary. And yet you're saying that you read my  
22 presentation to the Secretary, but you told a federal  
23 judge that I didn't --

24 MR. FELDMAN: Just answer the question.

25 Q. (By Mr. Duraiswamy) I think he produced it



1 in response to the subpoena we served after the  
2 federal judge ordered the deposition.

3 A. No, actually it was in -- it was in the  
4 documents before.

5 MR. FELDMAN: Mark, answer -- answer his  
6 question.

7 Q. (By Mr. Duraiswamy) In any event, can you  
8 explain what Mr. Hoffler said to you about why --

9 A. No. Wait. No. You wanted me to explain  
10 why I think that block level data is important to  
11 citizen voting age population, or do you want it  
12 explained why Tom Hoffler does?

13 Q. I'm trying to understand the conversations  
14 you had during the transition. So you said --

15 A. He said that after the long-form data went  
16 away in 2000, that the quality of block level citizen  
17 voting age population had now diminished. So the --  
18 so the ability to draw a district which would elect a  
19 Latino in a population where there were non-citizens  
20 was very, very difficult.

21 Q. He said that to you during the transition?

22 A. He -- we would have talked about it. I'm  
23 not sure whether it was in the transition or after the  
24 transition, but we would have talked about that issue.

25 Q. I'm trying to focus on in the transition

1 right now. So you're not sure if you had that  
2 conversation with him about that potential use of  
3 citizenship data during the transition; is that right?

4 A. I'm not sure that I did.

5 Q. Okay. So I'm trying to understand, you  
6 discussed potential uses of citizenship data gathered  
7 from the decennial with others on the Commerce team or  
8 Mr. Hoffler during the transition?

9 A. I would think so.

10 Q. Okay. And --

11 A. I -- I don't recall, but I would think so.

12 Q. Do you recall discussing the possibility  
13 that it could be used for immigration enforcement  
14 purposes?

15 A. Oh, I -- I would never -- first of all, I  
16 would -- that would be illegal, number one. Number  
17 two, anyone that would suggest that or broach that to  
18 me, I would immediately be totally opposed to that.

19 Q. I understand your view about that. Did  
20 someone, in fact, suggest or broach that to you during  
21 the transition?

22 A. No, no.

23 Q. Okay. I'm just -- I'm not asking for your  
24 views, and I'm not even asking if you advocated for  
25 it. I'm just trying to understand, did you have any

1 conversations with anyone where the possibility, good  
2 or bad, of using --

3 A. Definitely -- definitely not.

4 Q. Let me just finish the question --

5 MR. FELDMAN: Let him finish the question.

6 Q. (By Mr. Duraiswamy) -- so the record's  
7 clear -- of using citizenship data from the decennial  
8 for immigration enforcement purposes came up?

9 A. No.

10 Q. Okay. Did you discuss, during the  
11 transition, potential use of citizenship data from the  
12 decennial for reapportionment purposes?

13 A. Citizenship, no.

14 Q. Did you discuss, during the transition, with  
15 anyone, whether undocumented immigrants or  
16 non-citizens should be included in the state  
17 population counts for reapportionment purposes? That  
18 issue, generally. I'm not asking you about a position  
19 you took, but did that issue come up in your  
20 conversations?

21 A. Not -- not to my --

22 MR. ROSENBERG: Objection, form.

23 A. Not to my recollection, no.

24 Q. (By Mr. Duraiswamy) Did the issue of how  
25 states might use citizenship data from the decennial

1 census in deciding how to draw legislative districts  
2 come up in your conversations with Mr. Hoffler?

3 A. I don't believe so. Again, you know, when  
4 you -- these are conversations long ago, but it --  
5 it -- I don't think so. Because it -- again, it's not  
6 the kind of thing that he would talk about.

7 Q. Did it come up in your discussions with  
8 anyone else during --

9 A. No.

10 Q. -- the transition? Are you aware of anyone  
11 else involved with the transition or the Trump  
12 campaign or the incoming Trump administration  
13 discussing that issue during the transition?

14 A. I -- not personally, but I've heard that  
15 from reporters and other people.

16 Q. Okay. What have you heard from reporters  
17 and other people?

18 A. That those people -- that there were people  
19 discussing it. And I said, "Well, if they were, they  
20 weren't discussing it with me."

21 Q. Who have you heard was discussing that issue  
22 during the transition?

23 MR. ROSENBERG: Objection, vague.

24 A. Again, I don't have personal knowledge of --  
25 because I didn't -- no one discussed it with me.



1 A. I don't know.

2 Q. I'm just looking for an approximation. More  
3 than an hour?

4 A. I doubt it was more than an hour.

5 Q. More than 30 minutes?

6 A. Probably.

7 Q. Okay. So roughly somewhere between 30 and  
8 60 minutes?

9 A. I think so.

10 Q. You're aware that there was a letter sent by  
11 the Department of Justice to the Commerce Department  
12 in December 2017 regarding the addition of a  
13 citizenship question to the census?

14 A. Yes.

15 Q. Did you have any involvement in the drafting  
16 of that letter?

17 MR. ROSENBERG: Objection, form.

18 MR. FELDMAN: If you know.

19 A. Well, it -- again, I wasn't part of the  
20 drafting process of the letter, but I'm sure that in  
21 our -- I -- when I met with John Gore, I wanted to  
22 show him what the Census Bureau said about why they  
23 ask the ACS question. Because, again --

24 MR. ROSENBERG: And I'm -- again, I'm going  
25 to object and instruct the witness not to answer the

1 MS. BRANNON: Okay.

2 MR. ROSENBERG: -- of course, in the  
3 Government be as -- as nimble as possible in meeting  
4 and conferring and responding, and I imagine that we  
5 could do so tomorrow.

6 MS. BRANNON: Okay. No, that makes sense.  
7 So we will agree to that. There has -- and just to be  
8 clear, the reason, there has been some meet and  
9 confer -- meet and confer on related topics to this,  
10 and a motion was filed today in the NYIC case. And so  
11 I am just not familiar enough, and would want to  
12 confer with my colleagues as to whether or not the  
13 nature of the discussions that have come up at the  
14 deposition today fall within that issue or whether it  
15 is a new and separate issue. We will certainly try to  
16 meet and confer about that part with you as quickly as  
17 possible before we would move forward without  
18 revealing anything publicly.

19 MR. ROSENBERG: Thank you.

20 Q. (By Mr. Duraiswamy) Okay. Sorry for the  
21 interlude. So at that meeting you provided some  
22 information to Mr. Gore for purposes of the letter  
23 that DOJ subsequently drafted regarding the  
24 citizenship question?

25 A. Mainly the -- mainly a copy of the -- of the

1 letter from the Obama Administration, Justice  
2 Department, to the Census Bureau on the issue of  
3 adding a question on the ACS. Right.

4 Q. There -- there were -- in the documents that  
5 you produced, there were two such letters, I believe,  
6 one from 2014 and one from 2016. Does that sound  
7 correct to you?

8 A. Yeah.

9 Q. And you provided both of those?

10 A. Just -- I think probably just the 2016 one.

11 Q. Okay. And the purpose of that was to  
12 show --

13 A. Modalities.

14 Q. Well, strike --

15 MR. ROSENBERG: And I'm going to interpose  
16 an objection and again instruction to not answer again  
17 on deliberative process privilege grounds.

18 Q. (By Mr. Duraiswamy) Well -- well, let me  
19 strike that and ask a -- a different question.

20 That document, if I'm recalling correctly,  
21 has a chart of different demographic questions that  
22 are asked on the ACS and an explanation of the  
23 governmental uses of those questions; is that correct?

24 A. Yes.

25 Q. Okay. And you were providing that to

1 Mr. Gore in order to explain the potential use of a  
2 citizenship question on the decennial census as well?

3 MR. ROSENBERG: The same -- the same  
4 objection and instruction not to answer on  
5 deliberative process privilege grounds.

6 MR. FELDMAN: Go ahead.

7 A. I wanted the -- John Gore, who was a  
8 non-career person, to understand the modalities and  
9 accepted process of the interaction between DOJ and  
10 Census on census issues.

11 Q. (By Mr. Duraiswamy) What was it about that  
12 that you wanted him to understand?

13 MR. ROSENBERG: The same objection and  
14 instruction not to answer on deliberative process  
15 privilege grounds.

16 MR. FELDMAN: Go ahead.

17 A. I wanted him to understand what had -- the  
18 previous interactions on additions of questions.

19 Q. (By Mr. Duraiswamy) What about those  
20 interactions did you want him to understand?

21 MR. ROSENBERG: The same objection and  
22 instruction not to answer on deliberative process  
23 privilege grounds.

24 MR. FELDMAN: Go ahead.

25 A. How that -- the normal procedures. Who at



1 DOJ, when you're talking about census issues, talks to  
2 Census and who they talk to.

3 Q. (By Mr. Duraiswamy) And the fact that in  
4 adding questions to the ACS or the decennial census  
5 questionnaire, the requests come from outside of the  
6 Commerce Department to the Commerce Department where  
7 there is a need for some other agency; is that  
8 correct?

9 MR. ROSENBERG: Objection. The same  
10 objection and instruction not to answer on  
11 deliberative process privilege grounds and also an  
12 objection to form.

13 MR. FELDMAN: Go ahead and answer if you  
14 understand the question.

15 A. I communicated that requests for data to the  
16 Census from the administration come from agencies.

17 Q. (By Mr. Duraiswamy) You agree that the  
18 census doesn't typically -- well, strike that.

19 Did he provide you any information at that  
20 meeting?

21 MR. ROSENBERG: Same objection and  
22 instruction not to answer on deliberative process --

23 A. I don't know.

24 MR. ROSENBERG: -- privilege grounds, unless  
25 the witness can answer that with a yes or no.

1 A. No.

2 Q. James Sherk?

3 A. No.

4 Q. Have you spoken with Mr. Hoffler about this  
5 issue since the transition?

6 A. Tom was very sick, very sick. And, in fact,  
7 I didn't know that he passed away. So Tom was really  
8 kind of out of the picture. And I also want to say,  
9 Tom was not an -- did not appear to me to be an  
10 adviser to the -- to the administration at all.

11 Q. A separate question.

12 A. Yeah.

13 Q. And I'm not -- I didn't necessarily mean to  
14 connect it.

15 A. So I don't kind of see him as an  
16 intermediary for the administration.

17 Q. No, I'm asking about Mr. Hoffler separately.  
18 Did you -- I'm not sure that I got a clear answer to  
19 the question. Did you have any communications with  
20 him about a potential citizenship question since the  
21 transition?

22 A. Tom Hoffler?

23 Q. Yes.

24 A. Oh, yes. Yes.

25 Q. How many times, roughly?

1           A.     It would be more than a couple, but it  
2     wouldn't be more than a dozen. And remember, we're  
3     talking about from January through -- through whenever  
4     I last talked to him, which would have been maybe --  
5     I'm not even sure I talked to him in 2017.

6           MR. FELDMAN: 2017 or 2000 --

7           A.     Or 2000 -- I'm not sure I talked to him  
8     since even May of this year.

9           Q.     (By Mr. Duraiswamy) And he -- what were  
10    the -- what was the substance of those conversations?

11          A.     Well, Tom and I are good friends, so I don't  
12    know -- you know, I've known him for 30 years. We  
13    talked a lot about his cancer treatment. We talked a  
14    lot about what he was going through. We talked a lot  
15    about prayer. So, you know, there would be  
16    conversations about what was going on in politics that  
17    would bleed into our personal conversations.

18          Q.     And some of that was about the potential  
19    citizenship question on the 2020 census?

20          A.     It seemed like -- like it wasn't a topic in  
21    the last -- in the last -- certainly the last six  
22    months. Again, hard for me to remember about --  
23    again, with someone like Tom that I'm a -- a good  
24    friend of a long time, and with someone that I check  
25    in with about their health, and there are not a lot of

1 people like that, so I don't -- I don't recall how  
2 many times.

3 Q. Well, my question is -- well, I think you  
4 mentioned before that you did have those conversations  
5 since January 2017, but my question is just what was  
6 the substance of your conversation about this issue,  
7 about the citizenship question?

8 A. Well, he talked about how block level data  
9 was -- and, again, block level data is an obsession  
10 with him, because block level data means that you can  
11 draw the most accurate districts. And so, again, his  
12 focus was always on block level data, and always on,  
13 "Mark, you need to make sure that we take a good  
14 census, that the administration doesn't skimp on the  
15 budget," because a good census is good for what he  
16 does.

17 Q. And he was the person that you principally  
18 relied on for your understanding regarding the need  
19 for block level citizenship data; is that right?

20 A. He was the one of the people that I --  
21 actually, Tom -- in talking to Tom, I knew that it was  
22 going to be an issue that the department would  
23 confront, because I knew Tom had the ability to get  
24 members of Congress, who were important to the  
25 administration, to pay attention to the issue. You



1 know, that's what -- again, in the transition, your  
2 job is to forecast what's going to come across the  
3 transom for the new administration.

4 Q. Did you speak with anyone else in Congress  
5 or affiliated with a member of Congress about the  
6 citizenship question since January of 2017?

7 A. I talked to -- you know, I talk to my own  
8 member of Congress, Rodney Davis, all the time. You  
9 know, I see him at things. I talk to people in the  
10 Illinois delegation that I see at the University of  
11 Illinois. I -- again, to say did I talk to someone in  
12 Congress, I talk to people in Congress who I've known  
13 for a long time. I went to school with Peter Roskam.  
14 I -- I talk about lots of things with them.

15 Q. Sure.

16 A. Did I go and do a presentation in anyone's  
17 office about this, no.

18 Q. I was wondering if you talked to any of them  
19 about this issue?

20 A. I'm sure that I talked to members of  
21 Congress, including Democratic members of Congress  
22 about this issue.

23 Q. And what do you recall them communicating to  
24 you about it?

25 A. I recall Congressman Lacy Clay being upset

1 suggested to you that block level citizenship data --  
2 strike that.

3 Has anyone ever suggested to you that having  
4 access to block level citizenship data would be  
5 helpful to Republican efforts in redistricting?

6 A. I'm sure someone has said that.

7 Q. Tom, presumably?

8 A. What he said is that it will help draw maps,  
9 which will be acceptable as the maps that best provide  
10 minority representation, and so therefore are not  
11 challenged. So the frustration is you keep drawing a  
12 district, and because you don't have block level data,  
13 someone says, well, you didn't draw a map that  
14 maximized -- I use the word "maximized," Latino  
15 representation based on their numbers. And when you  
16 don't have that block level citizenship data, what  
17 you're doing is you're cheating the Latino community  
18 out of representation at all levels of government.

19 Q. That was the -- that was something that he  
20 suggested to you?

21 A. No, it was -- it was a conversation that we  
22 had. My point about maximization is my word. I want  
23 Latino representation to be maximized.

24 Q. Have you done any research on the Voting  
25 Rights Act?

1 A. I'm not an expert on the Voting Rights Act.

2 Q. Have you done any research on the Voting  
3 Rights Act?

4 A. I'm not an expert on it. I -- I read about  
5 the Voting Rights Act, yeah.

6 Q. Do you have any expertise on the legal  
7 standard for Section 2 of the Voting Rights Act?

8 A. I'm not an expert on it.

9 Q. Have you relied on others for expertise on  
10 the Voting Rights Act in Section 2 in particular?

11 A. Yes. So I -- you know, when I -- when I  
12 study things, I look to people who are experts.

13 Q. Okay. And who -- who have you looked to for  
14 expertise on those issues?

15 A. Off the top of my head, I'd have to go back.  
16 I'd have to go back and look at it. But I did -- I --  
17 one of the things that I was most interested in is  
18 there was an amicus brief that was filed by five  
19 census directors. And those -- in a nutshell, what  
20 those census directors said is block level data is the  
21 most important thing in end product in terms of  
22 ensure -- ensuring accurate representation, and you  
23 can only get block level data from the census. I  
24 didn't look at that until -- you know, until 2018.

25 Q. Was Mr. Hoffler one of the people you relied

1 on for expertise about the Voting Rights Act --

2 A. I -- you --

3 Q. I'm asking you. Sorry.

4 A. Oh, okay.

5 Q. Was he one of the people?

6 A. No.

7 Q. Who -- who were the people? You said off  
8 the -- you'd have to go back and check, but --

9 A. I'd have to -- I'd have to -- I don't  
10 recall.

11 Q. You -- you can't remember anyone that you've  
12 relied on --

13 A. I can recall looking at the cases --

14 Q. -- for expertise on that issue?

15 A. -- and looking at what Justices of the  
16 Supreme Court said about it and looking at that.

17 Q. Okay. Let's go back to if you recall  
18 communicating with anyone else direct -- in the Trump  
19 administration directly or indirectly about the  
20 citizenship question, other than the people we've  
21 already identified.

22 MR. FELDMAN: I'm not sure I understand.  
23 Are you talking about was there anybody else other  
24 than the people that have been discussed?

25 MR. DURAISWAMY: Yes.

1           A.    I don't remember the person's name. I seem  
2   to remember he had a Bush connection, like law school  
3   or something like that.

4           Q.    Any other candidates that you can recall?

5           A.    Brunell was the main one that I recall.

6           Q.    Anyone else from the redistricting world  
7   that you recall being considered?

8           A.    Not that I recall, no.

9                   [Marked Exhibit No. 17.]

10          Q.    Handing you what we've marked as Exhibit 17.  
11   Did we mark it as Exhibit 17? Yes. Sorry. Do you  
12   see this is an e-mail exchange between Secretary Ross  
13   and Peter Davidson from October 8th, 2017?

14          A.    Uh-huh.

15          Q.    Was the --

16          A.    Yes.

17          Q.    For the record, can you identify the subject  
18   of the e-mail exchange?

19          A.    Subject is, "Letter from DOJ."

20          Q.    Okay. And the first e-mail is from  
21   Secretary Ross to Mr. Davidson --

22          A.    Uh-huh.

23          Q.    -- asking what is its status. Do you see  
24   that?

25          A.    Yes.



1 Q. And Mr. Davidson responds that he is on the  
2 phone with you, and you're giving him a readout of a  
3 meeting last week, correct?

4 A. I see that.

5 Q. Was that your meeting with John Gore?

6 MR. ROSENBERG: Objection, assumes facts not  
7 in evidence. It calls for speculation.

8 A. I don't know whether it's -- it would make  
9 sense, but I don't know.

10 Q. (By Mr. Duraiswamy) Did you have a meeting  
11 with anyone else about a letter from DOJ?

12 A. That -- that's why I said the -- the timing  
13 seems like it's -- dovetails with what you and I were  
14 discussing earlier.

15 Q. Right. Because the meeting with John Gore  
16 was about the letter from DOJ regarding the  
17 citizenship question, correct?

18 A. No, the letter -- the meeting with John Gore  
19 was about the -- how Census interacts with the Justice  
20 Department. Again, this is a communication from two  
21 other people, not from me.

22 MR. ROSENBERG: And just -- just for the  
23 record, again, we're going back to the substance of  
24 the communications with Mr. Gore, which the Government  
25 believes is covered by the deliberative process

1 privilege, and so I would instruct the witness not to,  
2 you know, provide any additional information regarding  
3 that meeting.

4 MR. FELDMAN: And subject to that, he's  
5 answered the question, I believe.

6 Q. (By Mr. Duraiswamy) Well -- well, you had a  
7 phone call with Mr. Neuman -- strike that.

8 You had a phone call with Mr. Davidson  
9 around -- on or around October 8th, correct?

10 A. It -- it says that. I don't know that I  
11 did.

12 Q. Okay.

13 A. I don't recall that I did.

14 Q. No reason to believe it didn't happen,  
15 correct?

16 A. I don't recall that it happened.

17 Q. Okay. No reason to believe that when  
18 Mr. Davidson wrote on October 8th in an e-mail, "I'm  
19 on the phone with Mark Neuman right now" that he was  
20 lying?

21 A. I don't know the answer to that question.

22 Q. Okay. You don't know whether he was lying  
23 or not when he wrote Secretary Ross on October 8th?

24 A. I don't know what he did --

25 MR. ROSENBERG: Objection.

1           A.    -- and what he didn't do.  I only know when  
2   you ask me things about me.

3           Q.    (By Mr. Duraiswamy) Well, I am asking you  
4   things about you.  I'm asking you -- I understand you  
5   may not specifically remember.  I'm just asking you,  
6   do you --

7           A.    I said I do not recall.

8           Q.    -- have any reason to believe it didn't  
9   happen?

10           MR. ROSENBERG:  Objection, form.

11           MR. FELDMAN:  If you know what -- if -- if  
12   you don't have a reason that it didn't happen, say --  
13   tell him.

14           A.    I don't have a reason to know whether it  
15   happened or it didn't happen.

16           Q.    (By Mr. Duraiswamy) Just -- just so we're  
17   clear on what the e-mail says, Secretary Ross asks  
18   Mr. Davidson what is the status of the letter from  
19   DOJ, right?

20           A.    That's what this says.

21           Q.    Okay.  And Mr. Davidson responds and says  
22   that he's on the phone with you and you're giving him  
23   a readout of a meeting that you had the previous week,  
24   correct?

25           A.    That's what this says.

1 Q. Okay. And separate from the e-mail, your  
2 meeting with John Gore was around this time frame,  
3 correct?

4 A. Yes.

5 Q. Okay. But you have no recollection of  
6 this -- of a phone call with Mr. Davidson around this  
7 date?

8 A. I don't recall that.

9 Q. Do you recall ever having a phone call with  
10 Mr. Davidson where he told you that Secretary Ross  
11 wanted an update on the status of a letter from DOJ?

12 A. I don't recall.

13 Q. The e-mail seems to indicate that  
14 Mr. Davidson wrapped up the call at 10:54 p.m. after  
15 emailing Secretary Ross that he was on the phone with  
16 you at 6:47 p.m. First of all, do -- do you see what  
17 I'm referring to in the e-mail?

18 A. Yes.

19 Q. Okay. Have you ever been on the phone with  
20 Mr. Davidson for four hours?

21 MR. ROSENBERG: Objection, misleading.

22 MR. DURAISWAMY: What is misleading about  
23 the --

24 A. I --

25 MR. DURAISWAMY: Wait, wait. What's --

1 MR. ROSENBERG: It may not --

2 MR. DURAISWAMY: No, no. That -- that's an  
3 improper objection.

4 MR. ROSENBERG: No.

5 MR. DURAISWAMY: What's misleading about the  
6 question?

7 MR. ROSENBERG: It's -- so we don't know  
8 necessarily from these date -- time stamps whether  
9 there might be different time zones involved in this  
10 e-mail.

11 MR. DURAISWAMY: Do you -- what was my  
12 question?

13 MR. ROSENBERG: I made my objection.

14 Q. (By Mr. Duraiswamy) Have you ever been on  
15 the phone with Mr. Davidson for four hours?

16 A. I don't recall.

17 Q. How long were -- were your typical phone  
18 calls with him about census issues?

19 A. I don't recall how long they would go.

20 Q. You don't recall anything about how long  
21 your phone calls were with him?

22 A. No.

23 Q. Do you recall if they were -- it's possible  
24 that they were 14 hours in length?

25 A. I'm sure that I never talked him for 14



1 hours.

2 Q. Okay. Do you remember that when we started  
3 this deposition, we talked about the fact that if you  
4 say that you don't recall something, when, in fact,  
5 you do recall it, that that's false testimony? Do you  
6 remember that we talked about that --

7 A. Yes.

8 Q. -- at the outset? Okay. What do you recall  
9 about the length of the phone calls or conversations  
10 that you had with Mr. Davidson about the census over  
11 the last couple of years?

12 A. I recall that I had some.

13 Q. And you have no recollection about how long  
14 those calls were or those interactions were?

15 A. Well, you said -- you asked me if I was --  
16 talked to him for four hours. I don't recall talking  
17 to anyone for hour hours in one phone call.

18 Q. No. I'm asking you now approximately how  
19 long were the interactions that you had with him  
20 regarding the census. Can you give me a range?

21 A. I -- I don't know. I don't recall how long  
22 they were.

23 [Marked Exhibit No. 18.]

24 Q. Handing you what we've marked as Exhibit 18.  
25 We've got one copy for you guys. Take a minute to

1 review this document and let me know if you've seen it  
2 before.

3 A. I have seen it before.

4 Q. When did you see it?

5 A. I've seen versions of this before.

6 Q. When you say versions of this, what do you  
7 mean?

8 A. Well, something that starts out with John  
9 Thompson and then says reinstatement of the  
10 questionnaire. I -- I've -- this is -- I recall  
11 seeing something like this in different versions --

12 Q. This is --

13 A. -- at different times.

14 Q. Okay. And just so the record is clear, this  
15 is a -- a draft of a letter from the Department of  
16 Justice to the Commerce Department requesting the  
17 reinstatement of a question on the 2020 census  
18 questionnaire related to citizenship, correct?

19 A. Do we know that it's from DOJ? Oh, because  
20 it says --

21 Q. Do you see the last line?

22 A. -- for doj.gov.

23 Q. Yes.

24 A. So what was the question again?

25 Q. So this is a draft of a letter from DOJ to

1 the Commerce Department requesting a reinstatement of  
2 a citizenship question on the 2020 --

3 A. Right.

4 Q. -- census, right?

5 MR. ROSENBERG: Objection, form, assumes  
6 facts not in evidence.

7 A. I -- I -- I -- it seems to be that.

8 Q. (By Mr. Duraiswamy) Okay. And when did  
9 you -- or who -- who provided you with versions of  
10 this draft letter?

11 A. I'm not sure which version this is. Again,  
12 I'm familiar with the letter. I'm not sure who the  
13 original author is. I'm sure that I looked at it. I  
14 might have commented on it, but I'm not sure who  
15 writes a first -- a first template, as it were.  
16 What's interesting is when I look at this, it seems  
17 like --

18 MR. FELDMAN: And this being?

19 A. This being the version that you're looking  
20 at right now.

21 MR. FELDMAN: Exhibit 18.

22 A. And I look at the letter that I first saw in  
23 ProPublica. This letter is very different than the  
24 letter that ultimately went from DOJ.

25 Q. (By Mr. Duraiswamy) Okay. In order to help

1 us all get out of here on time, I'm going to ask you  
2 try to --

3 A. Oh, we're all going to get here on -- out of  
4 here on time.

5 Q. Well, I want you -- in order to avoid the  
6 risk of our having to come back and do more  
7 questioning, I want to you to try to focus on just  
8 answering the question --

9 A. Right.

10 Q. -- that I've asked. So my question, you  
11 stated that you had previously seen a version of this  
12 draft, correct?

13 A. Correct.

14 Q. Okay. And I believe you said --

15 A. And, again, there are people within the  
16 Secretary's office who could have had a version, could  
17 have had -- marked up their own version, could have --  
18 again, trying to figure out who an original author is  
19 when this looks a little --

20 MR. FELDMAN: The question --

21 Q. (By Mr. Duraiswamy) Yeah.

22 MR. FELDMAN: Just --

23 Q. (By Mr. Duraiswamy) I don't -- I don't  
24 want -- I don't -- I'm not asking you to tell me about  
25 who the original author was or anything. I want to

1 try to ask about your experience with this --

2 A. Right.

3 Q. -- with versions of this draft letter.

4 Okay? Do you recall who provided you with a -- a  
5 version of this draft letter?

6 A. No.

7 Q. Presumably, you -- well, strike that.

8 You said you might have commented on it. Do  
9 you recall what comments you may have made on the  
10 draft letter?

11 A. I don't recall.

12 Q. Do you recall why you were reviewing it?

13 A. I was comparing this to that ACS letter. So  
14 again, how does DOJ interact with Census on data  
15 needs.

16 Q. Why were you comparing it to the ACS letter?

17 A. Process. I'm a process person.

18 Q. But I'm -- I'm --

19 A. If you want --

20 Q. -- trying to understand why specifically you  
21 were asked to or took the initiative to compare a  
22 draft version of this letter to the ACS letter that we  
23 talked about before.

24 A. Again, I want to make sure that if the  
25 department has an interest in evaluating a change in



1 the questionnaire, that they're following procedures.  
2 This clearly doesn't look like the -- the letter that  
3 actually went out, but it looks like almost a  
4 placeholder, a template.

5 Q. When you say you want to make sure that if  
6 the department has an interest in evaluating a change  
7 in the questionnaire, you're referring to the -- the  
8 Department of Commerce --

9 A. Correct.

10 Q. -- correct?

11 A. Correct.

12 Q. Okay. And you recall that others at the  
13 Department of Commerce were reviewing and offering  
14 thoughts on draft versions of this letter?

15 A. I seem to recall that, yes.

16 Q. Who do you recall was involved in that  
17 effort?

18 A. It might have been the general counsel's  
19 office, and it might have been the policy office. And  
20 again, blurring a lot of those people, interactions  
21 together, new people coming on board, Peter Davidson  
22 coming on board, Earl being involved in policy  
23 matters, people that work for Earl. There are a lot  
24 of cooks in the kitchen.

25 Q. Other than Mr. Davidson and Mr. Comstock,

1     who you just mentioned, are there other specific  
2     people that you recall being involved in that process?

3           A.     Maybe --

4           MR. ROSENBERG:   Objection, mischaracterizes  
5     testimony.

6           MR. FELDMAN:   Go ahead.

7           A.     Maybe Izzy Hernandez, maybe Sahra Park-Su.  
8     You know, when I think of the policy people, they're  
9     all sort of blended together, the general counsel's  
10    people and so forth.

11          Q.     (By Mr. Duraiswamy) Do you recall any  
12    specific comments or edits that you suggested to the  
13    draft version of this letter?

14          A.     I don't recall, but I'm sure that I made  
15    comments.

16          Q.     You just don't remember specifically what  
17    the comments were?

18          A.     Right, right.

19          Q.     Do you remember who you made the comments to  
20    or who you provided the comments to?

21          A.     They would have been within that group of  
22    people, and I would -- I would -- you know, when I say  
23    general counsel, I -- I include James in that too.

24          Q.     Okay.

25          A.     And in this --

# **EXHIBIT 5**

---

**From:** Stephanie Edelman <Stephanie@stephanieedelman.com>  
**Sent:** Tuesday, September 1, 2015 5:01 PM  
**To:** 'Tom Hofeller'  
**Subject:** RE: Address & Entity for Invoice

Of course, totally understand! I've sent your invoice for processing to our accountant. Let me know if there's anything else.

Best,  
Stephanie

From: Tom Hofeller [mailto:celticheal@aol.com]  
Sent: Tuesday, September 01, 2015 4:58 PM  
To: Stephanie Edelman <Stephanie@stephanieedelman.com>  
Subject: RE: Address & Entity for Invoice

Thank you so much. It's just that I have to keep my public statements simple outside of the expert court witness work I do.

From: Stephanie Edelman [mailto:Stephanie@stephanieedelman.com]  
Sent: Tuesday, September 01, 2015 3:22 PM  
To: celticheal@aol.com<mailto:celticheal@aol.com>  
Subject: Re: Address & Entity for Invoice

Absolutely, that is fine, and just to reiterate at this point the only intention with the Beacon is to use it as the vehicle to fund the report-- there are no immediate plans to publish anything on this report in the Beacon. If there were down the road, we would certainly discuss with you before proceeding. Sorry for any inconvenience or undue stress this has caused!

Sent from my Verizon 4G LTE Smartphone

----- Original message-----

From: Tom Hofeller  
  
Date: Tue, Sep 1, 2015 3:15 PM  
  
To: Stephanie Edelman;  
  
Subject: RE: Address & Entity for Invoice

How about the commitment on attribution?

From: Stephanie Edelman [mailto:Stephanie@stephanieedelman.com]  
Sent: Tuesday, September 01, 2015 12:17 PM  
To: celticheal@aol.com<mailto:celticheal@aol.com>  
Subject: Re: Address & Entity for Invoice

Yes, you are correct --that is the purpose of the report and I'll relay all this info to my boss. He had just mentioned in passing yesterday the possibility of a media write up as an afterthought , but that was not the purpose of the report and I highly doubt that will even be pursued--but regardless the Beacon is the entity we will pay from. Hope this helps, and or course we are happy to discuss further!

Sent from my Verizon 4G LTE Smartphone

----- Original message-----

From: Tom Hofeller  
  
Date: Tue, Sep 1, 2015 12:12 PM  
  
To: Stephanie Edelman;  
  
Subject:RE: Address & Entity for Invoice

Stephanie:

When I undertook this project I understood that the purpose of the report was to inform a decision on the part of your client regarding a funding decision for the Evenwel Plaintiffs. Understanding this, I did the report for that purpose. If I had known that a media source was involved, which I didn't, I would have required an understanding as to the use of the information.

I am OK with your use of this report as long as there is a prior agreement on attribution. My position is that the report would not be attributed either directly or indirectly. Perhaps we need to discuss this.

I do not feel that any of the information, in general, will be any surprise to interested parties, except for the original stated reason for which it was commissioned. I trust we can easily agree on this issue.

My invoice is attached.

Tom

From: Stephanie Edelman [mailto:Stephanie@stephanieedelman.com]  
Sent: Monday, August 31, 2015 4:38 PM  
To: 'Tom Hofeller'  
Subject: RE: Address & Entity for Invoice

Hi, that was not the initial purpose of the report, which is to inform our principal's decision whether or not to fund a group handling the Evenwel lawsuit, although my boss mentioned it as a possibility that the Beacon could write something up on it, but would that be problematic? Please let me know if so!



From: Tom Hofeller [mailto:celticheal@aol.com]  
Sent: Monday, August 31, 2015 3:58 PM  
To: Stephanie Edelman <Stephanie@stephanieedelman.com<mailto:Stephanie@stephanieedelman.com>>  
Subject: RE: Address & Entity for Invoice

Is this report going to be used as a basis for an article in the Free Beacon?

From: Stephanie Edelman [mailto:Stephanie@stephanieedelman.com]  
Sent: Monday, August 31, 2015 2:40 PM  
To: 'Tom Hofeller'  
Subject: Address & Entity for Invoice

Hi, Tom,

You can invoice us the Washington Free Beacon, at 1000 Wilson Boulevard, Suite 2600, Arlington, VA 22209. If electronic invoice is easiest, you're welcome to send it directly to me. If you want to mail a hard copy, you can address it to my attention. Let me know if you have any questions. Many thanks again for such a detailed report!

Best,  
Stephanie

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Thank you.

# **EXHIBIT 6**

## **THE USE OF CITIZEN VOTING AGE POPULATION IN REDISTRICTING<sup>1</sup>**

This study comments on the practicality of the use of citizen voting age population (CVAP) as a basis for achieving population equality for legislative redistricting. What this means in practice is that the total CVAP for a state would be divided by the number of legislative districts to be redistricted in order to compute an idea district population for each single-member district. Each district's variance from this ideal district population would be used to calculate both the least and most populous district and also to compute the total percentage deviation (or "high to low") for a redistricting plan as a whole. Compliance with the federal "one person, one vote" standard would thus be determined on the basis of CVAP as opposed to total population (TPOP), as is presently the case. The use of CVAP is not a new concept, but as of this date, federal courts have not held that it is permissible to use CVAP as a standard for legislative redistricting.

In Hawaii, courts have ruled that registered voters may be used as a population base for legislative redistricting. This practice was adopted to remove non-resident military personnel from the redistricting population base, and to avoid the creation of legislative districts with extremely high percentages of non-registered adults. The courts, however, have also mandated that the TPOPs in the districts must be closely related to the district deviations based on registered voters. Appendix 1 discusses these court rulings in more detail. This practice is still tied to total population.

In addition, the removal of prison inmates housed from other states has been allowed in 3 states in the 2010 redistricting cycle (Delaware, Maryland and New York). This practice, often referred to as "prisoner adjustment" also moves the counts for domestic inmates in state prisons to the location where they lived before being incarcerated (prisoners not from out-of state). Democrat allies are now lobbying the Census Bureau to include this practice in the 2010 Decennial. Prisoner adjustment is generally believed to be favorable to the Democrats,

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<sup>1</sup> This study does not constitute professional legal advice and is not intended to be substituted in place of advice from qualified legal counsel.

but may, in some states, be less favorable to minorities. This, of course depends on the locations of the prisons. This practice, however, is still tied to total population.

As of today, the use of CVAP is limited to an evaluation of minority voting strength in districts protected by the mandates of the Federal Voting Rights Act (sometimes, also, to evaluate compliance with state and local civil rights provisions), and is most commonly used to determine the ability of Latino voters to have equal opportunities to elect their preferred candidates of choice in newly enacted districts.

The use of CVAP in redistricting has always been difficult. In decennial censuses prior to 2010, a citizenship question was included in the long form questionnaire which was distributed to approximately one in seven households. This information, however, was not available until after most states had already completed their line-drawing process.

For several reasons, the Bureau of the Census decided to discontinue the use of the long form questionnaire for the 2010 Decennial Census and to depend exclusively on the short form Questionnaire, which did not include a question on citizenship. The two primary reasons given for this change were cost savings and an increase in the initial percentage of questionnaires returned by mail.

As a replacement to the long form questionnaire, the Census Bureau instituted the American Community Survey. To quote the Census Bureau: “The American Community Survey (ACS) is an ongoing survey that provides vital information on a yearly basis about our nation and its people. Information from the survey generates data that help determine how more than \$400 billion in federal and state funds are distributed each year.” Each year, about 3.5+ million households receive very detailed questionnaires of which about 2.2 million are successfully returned. This represents a 62% return rate.

In the version of the ACS data used for redistricting in this cycle, the questionnaires from 5 years were compiled together into a report released in late 2010. This included the samples collected in 2005 through 2009. The number of questionnaires included in the 2005 through

2009 sample was about 9.5 million. By comparison, about 16.2 million households would have received a Long-Form Questionnaire had its use been continued in the 2010 Decennial Census. This means that the accuracy of the ACS sample is significantly lower than the long form sample would have been. In addition, the use of a 5-year rolling sample was much less reflective of the actual characteristics of the population at the time of the actual 2010 Decennial Enumeration, which would have been a one-time snapshot taken in mid-2010 (April to August). Even if a majority of the justices on the U. S. Supreme Court are sympathetic to the use of CVAP, it is not probable, in my judgment, that they will accept a rolling 5-year survey in lieu of an actual full enumeration for use in redistricting or reapportionment.

Another issue with use of the ACS in redistricting is that the accuracy for small units of geography is extremely poor. This is particularly true for Census Tracts and Census Block Groups. In some cases the confidence interval for a Block Group exceeds the actual range of the data, creating negative numbers for the low point of the confidence interval.

Another problem with the ACS data is that the units of geography by which the ACS is compiled is different from the geographic units used in redistricting. Almost all states are using Census Voting Districts (VTDs) are preferred as the basic geographic building blocks for creating new districts. VTD boundaries generally follow precinct boundaries. ACS data are simply not available for VTDs, and any estimates of CVAP populations for VTDs would be even more inaccurate than the ACS estimates for Census Tracts and Block Groups.

For those states in which CVAP estimates for legislative districts have been compiled, determinations have been required to compute the percentage of each Census Block Group's population which is in each legislative or congressional district. The CVAP statistics have been summed for all the block groups which have either 50% or 75% of their population in an individual district and these estimates have been imputed to the total adult populations of the districts. The Texas Legislative Counsel's report (Appendix 3), contains the confidence intervals for the estimated of Texas House district are generally from 2 to 3 percent.

In many states, such as Texas, experienced redistricting experts have relied much more on the use of ethnic surname matches against the registered voter file to determine Latino voting strength, rather than estimates of the percentage of adult citizens who are Latino. Of course, since the population base for compliance with the one person, one vote rule has been TPOP, ethnic surname and CVAP estimates have only been used as indices of probable district election performance for Latino candidates.

Another issue to consider is whether or not CVAP, or just total citizen population (CPOP), would be the proper base, should the U. S. Supreme Court determine that citizenship should replace TPOP, which is presently in use. So far, courts have not even accepted the use of total voting age population (TVAP or VAP) as a redistricting standard, so it would be a high leap from TPOP to CVAP as the new standard.

All this leads to a possible conclusion that without a congressional mandate for the United States Census Bureau to add a citizenship question to the 2020 Decennial Census form, or such a mandate from the Supreme Court, the relief sought in the *Evenwel* case is functionally unworkable.

The other important topic to address are the political ramifications of using CVAP as the redistricting population standard for one person, one vote compliance. Would the gain of GOP voting strength be worth the alienation of Latino voters who will perceive a switch to CVAP as an attempt to diminish their voting strength? That, however, is not the subject of this study.

By mutual agreement, a study of the effect of using CVAP instead of TPOP as the redistricting population basis for drafting a plan for the Texas State House of Representatives has been commissioned. Demographic information on the current 150 State House districts has been obtained from the website of the Texas Legislative Council. Since State House districts are roughly equal in population they are appropriate for such an examination.



A spreadsheet containing information on each of the 150 State House districts in Texas has been compiled. There is one row for each district and each row contains 15 columns of geographic, demographic and political information for each individual district. This spreadsheet has been sorted in 6 different orders which make up Tables 2 through 7. The column header by which the table is sorted is shaded purple. An explanation of each of the 15 columns can be found in Appendix 2.

Table 2 is sorted by district number (Column A).

Table 7 is sorted by the population deviation measured in terms of TPOP (Column M).

Table 3 is sorted by the population deviation measured in terms of CVAP (Column O).

The population deviations for the current districts, as measured in terms of TPOP, ranges from 4.83% above to -5.02% below the idea district population (Table 7. Column M). The ideal population is the sum of the base population (either TPOP or CVAP) divided by the total number of districts. The range of deviation from the most to least populated district is 9.85% (total deviation), which is below the 9.99% range acceptable under the provisions of the United States Supreme Court's "one person, one vote" rule. The deviations of the 2003 House district could have been lower. They are as high as they are because Texas' Constitution has special provisions for the redistricting of it State House of Representatives which mandate keeping districts within whole counties or groups of whole counties. These provisions, however, may, to some extent, fall by the wayside as a result of the current federal court lawsuit challenging Texas' adherence to the Voting Rights Act in its latest redistricting (2003).

When CVAP is used as the population base, the population deviations for the current State House districts increase in range from a high of 20.47% to a low of -40.38% with a total deviation of 60.85% (Table 3, Column O),. This deviation is clearly unacceptable under the "one person, one vote" rule. If the Supreme Court were to impose CVAP as the proper

population base, and mandate its application to the districts for 2016, a radical redrawing of the State House districts would be required.

### **POLITICAL AND DEMOGRAPHIC EFFECTS OF USING CVAP**

There are several general rules related to redistricting in general which should be discussed at this point:

1. First, the party which controls the actual line-drawing process, in most instances, possesses a huge advantage which outweighs almost all other factors influencing the redistricting process. This would be equally true if the population base were to be shifted from TPOP to CVAP.
2. Second, redistricting has often been described as a “game of margins”. Many times a shift of two or three precincts into or out of a district can significantly alter the political characteristic of that district. As an example, if a district is solidly Democratic and the Republicans are drawing the plan, the Republican will almost always add additional heavily Democratic precincts to that district to improve their advantage in surrounding districts. On the other hand, if Democrats are doing the line drawing, they will often submerge heavily Republican precincts into a strong Democratic district to improve their chances of electing Democrats in the surrounding districts.

These factors would also apply for Texas if CVAP were to become the new population base. In the case of Texas redistricting, the ability of the party in power to overcome a switch to CVAP would be somewhat limited in State House redistricting because of the mandate to keep counties intact – particularly if the Democrats regained control.

Table 4, which sorts the existing House districts by percent Hispanic CVAP, demonstrates that considerable population would have to be added to a majority of the Latino districts to bring their populations up to acceptable levels of deviation (Table 4, Column H). There are

presently 35 districts with HCVAP percentages over 40. As a whole, those 35 districts only contain sufficient HCVAP populations to comprise 30.1 districts (See the green shading on Table 4). As would be expected, the remaining 115 districts have sufficient combined HCVAP populations to comprise 119.6 districts.

Table 6 sorts the districts by the political party of the incumbent State House members (See Table 6, Column C). The 97 GOP districts have sufficient CVAP populations to actually form 103.2 districts, while the 53 Democrat districts only have sufficient CVAP population to comprise 46.8 districts. Use of CVAP would clearly be a disadvantage for the Democrats.

Since all of the Republican and Democrat districts are not located in two distinct areas, it is helpful to examine the effects of switching from TPOP to CVAP as the population base by regions. Texas has been divided into 13 regions comprised of whole State House Districts. Those regions are show on Maps 1 and 2. The regions are:

1. Dallas-Ft Worth and suburbs (3 regions)
2. Houston and its suburbs (2 regions)
3. Austin and its suburbs (1 region)
4. San Antonio and its suburbs (1 region)
5. El Paso County (1 region)
6. The Rio Grande Valley and South Texas (1 region)
7. The area southeast of Houston (1 region)
8. The northeast area of Texas (1 region)
9. The central area of the State, roughly between DFW, Austin and Houston (1 region)
10. The areas of West-Central and Western Texas (1 region).

These regions certainly are not in any way official, but are sufficient for this redistricting analysis.

The data for these 13 regions may be found on Table 5 (which is sorted first by Column B and then by Column A) and demonstrates some interesting characteristics. This table compares

the number of projected CVAP-based districts which would be contained in these 13 regions to the number of actual Texas State House districts presently located within them (the 2003 House Plan). The combined CVAP district deviations within each region have been summed to determine the number of districts each region would be entitled to using CVAP as the population base. These data are summarized on Table 8, and correspond to the green-shaded areas on Table 5 (found in Column O at the bottom of the section for each region).

The use of CVAP as the population based would cause a loss of relative population (and, thus districts) in the Greater Dallas/Ft. Worth Area (-.7 districts overall), with the greatest loss in Dallas County (1.7 districts). Harris County and its suburbs would lose relative population (1.7 districts overall), with a loss of 1.9 districts being slightly offset by the gain in the surrounding suburban counties. The greatest loss would be in South Texas, El Paso and the Rio Grande Valley which would lose 2.6 districts overall. All other regions of the State would enjoy relative gains in population, with the greatest gains being in Central as well as West Texas' rural and semi-rural counties.

Even within the individual regions (Using Table 5), an inspection of the CVAP deviation percentages of Republican versus Democratic districts shows that the Democratic CVAP deviations are generally negative and the GOP deviations are generally positive. The means that Democratic districts could geographically expand to absorb additional high Democrat precincts from adjacent Republican districts, strengthening the adjoining GOP districts.

## **CONCLUSIONS**

- A shift from a redistricting population based determined using total population to adult population is radical departure from the federal "one person, one vote" rule presently used in the United States.
- Without a question on citizenship being included on the 2020 Decennial Census questionnaire, the use of citizen voting age population is functionally unworkable.

- The Obama Administration and congressional Democrats would probably be extremely hostile to the addition of a citizenship question on the 2020 Decennial Census questionnaire.
- The chances of a U. S. Supreme Court's mandate to add a citizenship question to the 2020 Decennial Census are not high.
- A switch to the use of citizen voting age population as the redistricting population base for redistricting would be advantageous to Republicans and Non-Hispanic Whites.
- A proposal to use CVAP can be expected to provoke a high degree of resistance from Democrats and the major minority groups in the nation.

**TABLE 1**  
**American Community Survey (ACS)**  
**Sample Sizes by Year and Type**

Year	Housing Units		Group Quarters People		
	Initial Addresses Selected	Final Interviews	Initial Sample Selected	Actual Interviews	<u>Synthetic Interviews</u>
2013	3,551,227	2,208,513	207,410	163,663	135,758
2012	3,539,552	2,375,715	208,551	154,182	137,086
2011	3,272,520	2,128,104	204,553	148,486	150,052
2010	2,899,676	1,917,799	197,045	144,948	N/A
2009	2,897,256	1,917,748	198,808	146,716	N/A
2008	2,894,711	1,931,955	186,862	145,974	N/A

TABLE 2  
STATE OF TEXAS  
STATE HOUSE OF REPRESENTATIVES  
83rd Legislature - 1st Called Session - S.B. 3 (June 2013)  
Citizen Voting Age Population Analysis Using American Community Survey  
Sorted by District Number

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
Dist	Area of State	Party	Total	VAP	CVAP	PCT Anglo	PCT HCVAP	PCT HVAP	%HVAP - %HCVAP	%HCVAP/ %HVAP	TPOP Deviation	%TPOP Deviation	CVAP Deviation	% CVAP Deviation	% CVAP Dev - % TPOP Dev
1	Northeast TX	R	165,823	125,927	122,470	75.1	3.1	5.8	-2.7	53.5	-1814	-1.08	14,488	13.42	14.50
2	Northeast TX	R	173,869	130,806	124,825	85.1	5.5	10.0	-4.5	55.2	6232	3.72	16,843	15.60	11.88
3	Houston Suburbs	R	164,955	119,595	109,760	75.4	9.7	20.0	-10.3	48.5	-2682	-1.60	1,778	1.65	3.25
4	DFW Suburbs	R	168,429	123,603	117,715	81.5	6.3	11.7	-5.4	53.6	792	0.47	9,733	9.01	8.54
5	Northeast TX	R	160,253	120,169	112,555	78.8	5.2	13.2	-7.9	39.8	-7384	-4.40	4,573	4.23	8.64
6	Northeast TX	R	160,008	119,154	109,970	70.1	6.5	14.9	-8.3	44.0	-7629	-4.55	1,988	1.84	6.39
7	Northeast TX	R	161,039	120,296	112,255	74.7	3.9	11.2	-7.3	34.9	-6598	-3.94	4,273	3.96	7.89
8	Central Texas	R	161,098	123,550	114,450	72.1	8.8	15.4	-6.6	57.0	-6539	-3.90	6,468	5.99	9.89
9	Northeast TX	R	166,719	125,947	121,420	75.8	2.5	6.9	-4.4	35.8	-918	-0.55	13,438	12.44	12.99
10	DFW Suburbs	R	163,063	116,978	111,680	75.6	13.1	18.7	-5.5	70.4	-4574	-2.73	3,698	3.42	6.15
11	Northeast TX	R	168,699	128,086	118,640	72.2	5.7	13.9	-8.3	40.6	1062	0.63	10,658	9.87	9.24
12	Central Texas	R	160,573	119,556	111,590	64.4	11.8	19.5	-7.7	60.6	-7064	-4.21	3,608	3.34	7.56
13	Central Texas	R	170,617	131,129	123,515	75.2	9.5	15.9	-6.4	59.7	2980	1.78	15,533	14.38	12.61
14	Central Texas	R	163,187	131,479	114,485	68.6	14.1	21.0	-6.9	67.2	-4450	-2.65	6,503	6.02	8.68
15	Houston Suburbs	R	167,349	120,450	116,690	81.8	7.4	13.5	-6.1	55.0	-288	-0.17	8,708	8.06	8.24
16	Houston Suburbs	R	166,647	122,271	108,180	80.7	9.3	21.1	-11.8	44.2	-990	-0.59	198	0.18	0.77
17	Central Texas	R	163,480	121,295	112,125	61.1	27.0	33.4	-6.4	80.9	-4157	-2.48	4,143	3.84	6.32
18	Southeast TX	R	169,888	132,877	126,560	71.3	8.1	14.2	-6.1	57.0	2251	1.34	18,578	17.20	15.86
19	Southeast TX	R	171,969	131,682	128,705	82.5	3.7	6.3	-2.6	58.3	4332	2.58	20,723	19.19	16.61
20	Central Texas	R	159,816	121,754	115,395	82.8	10.3	16.6	-6.2	62.4	-7821	-4.67	7,413	6.87	11.53
21	Southeast TX	R	172,180	130,308	121,365	82.0	5.2	9.3	-4.1	55.7	4543	2.71	13,383	12.39	9.68
22	Southeast TX	D	161,930	122,897	115,525	37.0	7.7	15.7	-8.0	49.0	-5707	-3.40	7,543	6.99	10.39
23	Houston Suburbs	R	163,720	123,736	111,960	59.8	16.6	22.7	-6.1	73.2	-3917	-2.34	3,978	3.68	6.02
24	Houston Suburbs	R	162,685	118,491	118,260	74.8	11.3	15.6	-4.3	72.3	-4952	-2.95	10,278	9.52	12.47
25	Houston Suburbs	R	174,168	129,041	121,250	62.4	20.8	27.4	-6.6	75.9	6531	3.90	13,268	12.29	8.39
26	Houston Suburbs	R	160,091	117,247	97,320	52.2	11.6	14.9	-3.3	77.8	-7546	-4.50	-10,662	-9.87	-5.37
27	Houston Suburbs	D	160,084	113,596	104,295	26.2	14.8	19.7	-4.8	75.4	-7553	-4.51	-3,687	-3.41	1.09
28	Houston Suburbs	R	160,373	107,968	100,995	53.3	15.6	20.6	-5.0	75.8	-7264	-4.33	-6,987	-6.47	-2.14
29	Houston Suburbs	R	175,700	124,171	116,165	57.5	17.4	23.2	-5.8	74.9	8063	4.81	8,183	7.58	2.77
30	Central Texas	R	166,022	124,729	121,220	59.0	31.8	35.2	-3.4	90.4	-1615	-0.96	13,238	12.26	13.22
31	S Tex RG Valley	D	171,858	121,699	104,285	23.1	73.9	77.7	-3.8	95.1	4221	2.52	-3,697	-3.42	-5.94
32	S Tex RG Valley	R	167,074	126,072	124,080	46.8	44.2	45.9	-1.6	96.5	-563	-0.34	16,098	14.91	15.24
33	DFW Suburbs	R	172,135	119,518	115,655	77.9	8.5	13.5	-4.9	63.5	4498	2.68	7,673	7.11	4.42
34	S Tex RG Valley	D	173,149	125,896	117,465	28.0	64.6	67.7	-3.1	95.4	5512	3.29	9,483	8.78	5.49



A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
Dist	Area of State	Party	Total	VAP	CVAP	PCT Anglo	PCT HCVAP	PCT HVAP	%HVAP - %HCVAP	%HCVAP/ %HVAP	TPOP Deviation	%TPOP Deviation	CVAP Deviation	% CVAP Deviation	% CVAP Dev - % TPOP Dev
35	S Tex RG Valley	D	168,627	109,154	77,585	18.6	78.9	85.1	-6.2	92.7	990	0.59	-30,397	-28.15	-28.74
36	S Tex RG Valley	D	168,963	110,963	76,060	11.9	86.0	90.8	-4.8	94.7	1326	0.79	-31,922	-29.56	-30.35
37	S Tex RG Valley	D	169,088	113,454	78,885	15.5	81.5	87.1	-5.6	93.6	1451	0.87	-29,097	-26.95	-27.81
38	S Tex RG Valley	D	168,214	110,865	92,195	13.5	80.2	86.7	-6.4	92.6	577	0.34	-15,787	-14.62	-14.96
39	S Tex RG Valley	D	168,659	110,751	85,015	14.6	78.9	88.0	-9.1	89.7	1022	0.61	-22,967	-21.27	-21.88
40	S Tex RG Valley	D	168,662	108,086	79,875	8.2	88.4	92.1	-3.8	95.9	1025	0.61	-28,107	-26.03	-26.64
41	S Tex RG Valley	D	168,776	115,033	88,365	17.9	75.7	80.4	-4.6	94.2	1139	0.68	-19,617	-18.17	-18.85
42	S Tex RG Valley	D	167,668	111,699	84,125	5.4	91.2	95.0	-3.9	95.9	31	0.02	-23,857	-22.09	-22.11
43	S Tex RG Valley	R	169,564	124,492	120,575	35.8	57.7	59.8	-2.1	96.5	1927	1.15	12,593	11.66	10.51
44	Central Texas	R	174,451	126,713	125,720	60.9	29.7	32.7	-3.0	90.9	6814	4.06	17,738	16.43	12.36
45	Austin Area	R	167,604	126,549	124,330	66.7	25.5	30.0	-4.6	84.8	-33	-0.02	16,348	15.14	15.16
46	Austin Area	D	166,410	118,539	94,335	41.6	24.6	41.6	-16.9	59.3	-1227	-0.73	-13,647	-12.64	-11.91
47	Austin Area	R	175,314	127,689	125,095	80.3	12.3	12.6	-0.3	97.7	7677	4.58	17,113	15.85	11.27
48	Austin Area	D	173,008	135,585	127,810	74.4	16.7	20.4	-3.7	81.9	5371	3.20	19,828	18.36	15.16
49	Austin Area	D	167,309	144,371	130,085	73.1	14.3	21.6	-7.3	66.2	-328	-0.20	22,103	20.47	20.66
50	Austin Area	D	166,516	124,252	110,735	57.5	17.7	25.3	-7.6	69.9	-1121	-0.67	2,753	2.55	3.22
51	Austin Area	D	175,709	128,793	98,320	41.5	44.0	56.2	-12.2	78.3	8072	4.82	-9,662	-8.95	-13.76
52	Austin Area	R	165,994	114,146	111,445	62.8	19.6	26.7	-7.1	73.5	-1643	-0.98	3,463	3.21	4.19
53	West Texas	R	162,897	127,381	123,515	72.2	23.1	26.8	-3.7	86.3	-4740	-2.83	15,533	14.38	17.21
54	Central Texas	R	167,736	117,164	112,385	51.6	15.8	17.6	-1.9	89.5	99	0.06	4,403	4.08	4.02
55	Central Texas	R	162,176	119,755	116,635	64.4	14.9	19.4	-4.5	76.8	-5461	-3.26	8,653	8.01	11.27
56	Central Texas	R	163,869	123,411	117,985	72.6	12.4	17.8	-5.4	69.7	-3768	-2.25	10,003	9.26	11.51
57	Southeast TX	R	164,418	124,630	118,140	72.8	7.2	13.0	-5.8	55.5	-3219	-1.92	10,158	9.41	11.33
58	Central Texas	R	169,146	123,826	118,105	84.2	8.7	14.9	-6.1	58.8	1509	0.90	10,123	9.37	8.47
59	Central Texas	R	163,609	122,193	118,030	75.9	11.4	15.6	-4.2	73.1	-4028	-2.40	10,048	9.31	11.71
60	West Texas	R	171,429	131,870	127,825	86.9	9.2	11.8	-2.6	78.0	3792	2.26	19,843	18.38	16.11
61	DFW Suburbs	R	176,054	130,782	128,065	88.5	6.0	10.6	-4.6	56.9	8417	5.02	20,083	18.60	13.58
62	Northeast TX	R	160,023	122,203	117,530	85.0	4.2	8.6	-4.4	49.0	-7614	-4.54	9,548	8.84	13.38
63	DFW Suburbs	R	167,337	115,634	113,605	80.8	8.0	13.1	-5.1	61.2	-300	-0.18	5,623	5.21	5.39
64	DFW Suburbs	R	167,588	129,175	116,875	75.0	10.1	16.6	-6.5	60.8	-49	-0.03	8,893	8.24	8.26
65	DFW Suburbs	R	165,742	124,977	109,350	62.3	9.8	18.6	-8.8	52.5	-1895	-1.13	1,368	1.27	2.40
66	DFW Suburbs	R	172,129	130,796	113,390	69.7	6.0	9.1	-3.1	65.8	4492	2.68	5,408	5.01	2.33
67	DFW Suburbs	R	172,141	126,368	111,250	70.1	7.5	13.9	-6.4	54.0	4504	2.69	3,268	3.03	0.34
68	West Texas	R	160,508	121,547	112,760	80.9	12.8	18.5	-5.7	69.1	-7129	-4.25	4,778	4.42	8.68
69	West Texas	R	160,087	123,063	117,450	77.2	9.7	12.9	-3.2	75.3	-7550	-4.50	9,468	8.77	13.27
70	DFW Suburbs	R	172,135	117,432	110,995	75.3	10.0	15.9	-5.9	62.9	4498	2.68	3,013	2.79	0.11
71	West Texas	R	166,924	127,097	123,650	71.2	17.9	20.1	-2.1	89.4	-713	-0.43	15,668	14.51	14.94
72	West Texas	R	170,479	130,771	123,075	64.6	27.6	32.3	-4.8	85.3	2842	1.70	15,093	13.98	12.28
73	Bexar	R	166,719	127,882	126,130	79.7	16.6	19.8	-3.3	83.6	-918	-0.55	18,148	16.81	17.35
74	S Tex RG Valley	D	162,357	115,236	91,345	24.6	69.4	76.6	-7.3	90.5	-5280	-3.15	-16,637	-15.41	-12.26

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
Dist	Area of State	Party	Total	VAP	CVAP	PCT Anglo	PCT HCVAP	PCT HVAP	%HVAP - %HCVAP	%HCVAP/ %HVAP	TPOP Deviation	%TPOP Deviation	CVAP Deviation	% CVAP Deviation	% CVAP Dev - % TPOP Dev
75	El Paso	D	159,691	103,209	77,455	8.9	89.0	91.8	-2.8	97.0	-7946	-4.74	-30,527	-28.27	-23.53
76	El Paso	D	159,752	116,389	94,705	11.2	83.5	87.3	-3.7	95.7	-7885	-4.70	-13,277	-12.30	-7.59
77	El Paso	D	160,385	115,924	90,830	22.9	69.6	76.0	-6.4	91.6	-7252	-4.33	-17,152	-15.88	-11.56
78	El Paso	D	160,161	111,913	98,925	31.6	58.3	64.7	-6.4	90.0	-7476	-4.46	-9,057	-8.39	-3.93
79	El Paso	D	160,658	112,399	98,435	17.0	76.7	79.9	-3.2	96.0	-6979	-4.16	-9,547	-8.84	-4.68
80	S Tex RG Valley	D	161,949	106,402	86,650	15.5	78.7	86.1	-7.4	91.4	-5688	-3.39	-21,332	-19.76	-16.36
81	West Texas	R	169,684	120,535	108,980	51.8	39.0	46.9	-7.9	83.2	2047	1.22	998	0.92	-0.30
82	West Texas	R	163,234	118,623	113,415	59.3	28.6	35.2	-6.6	81.2	-4403	-2.63	5,433	5.03	7.66
83	West Texas	R	173,918	127,906	123,330	67.1	24.9	28.1	-3.2	88.8	6281	3.75	15,348	14.21	10.47
84	West Texas	R	167,970	128,898	124,075	58.7	28.0	30.2	-2.2	92.8	333	0.20	16,093	14.90	14.70
85	Houston Suburbs	R	160,182	113,433	102,620	48.3	27.5	35.1	-7.6	78.5	-7455	-4.45	-5,362	-4.97	-0.52
86	West Texas	R	165,183	121,555	115,915	76.4	16.5	22.3	-5.8	73.9	-2454	-1.46	7,933	7.35	8.81
87	West Texas	R	174,343	125,360	109,320	65.0	21.8	29.7	-7.9	73.3	6706	4.00	1,338	1.24	-2.76
88	West Texas	R	160,896	115,622	103,670	60.9	29.4	38.9	-9.5	75.7	-6741	-4.02	-4,312	-3.99	0.03
89	DFW Suburbs	R	172,138	118,380	116,895	72.4	8.9	13.0	-4.2	68.0	4501	2.68	8,913	8.25	5.57
90	Tarrant Cnty	D	159,684	105,664	71,770	27.9	49.0	70.7	-21.7	69.3	-7953	-4.74	-36,212	-33.54	-28.79
91	Tarrant Cnty	R	162,838	119,048	108,845	75.9	10.9	18.2	-7.2	60.2	-4799	-2.86	863	0.80	3.66
92	Tarrant Cnty	R	162,326	126,290	116,980	70.3	9.6	14.5	-4.9	66.1	-5311	-3.17	8,998	8.33	11.50
93	Tarrant Cnty	R	162,161	113,584	103,455	64.1	14.8	22.8	-8.0	65.0	-5476	-3.27	-4,527	-4.19	-0.93
94	Tarrant Cnty	R	167,374	125,516	114,195	69.8	10.2	15.3	-5.2	66.3	-263	-0.16	6,213	5.75	5.91
95	Tarrant Cnty	D	161,634	115,752	96,150	32.9	12.9	24.3	-11.4	53.0	-6003	-3.58	-11,832	-10.96	-7.38
96	Tarrant Cnty	R	164,930	113,924	109,035	65.5	10.1	15.2	-5.1	66.5	-2707	-1.61	1,053	0.98	2.59
97	Tarrant Cnty	R	168,869	131,311	122,870	70.5	9.8	15.7	-5.9	62.3	1232	0.73	14,888	13.79	13.05
98	Tarrant Cnty	R	164,081	114,953	114,875	83.7	6.7	9.8	-3.1	68.8	-3556	-2.12	6,893	6.38	8.50
99	Tarrant Cnty	R	170,473	125,722	116,830	74.7	14.7	20.1	-5.4	73.1	2836	1.69	8,848	8.19	6.50
100	Dallas Cnty	D	161,143	117,479	97,410	29.8	18.3	33.1	-14.8	55.2	-6494	-3.87	-10,572	-9.79	-5.92
101	Tarrant Cnty	D	164,664	110,209	92,990	35.5	19.7	32.5	-12.8	60.6	-2973	-1.77	-14,992	-13.88	-12.11
102	Dallas Cnty	R	161,136	122,520	96,850	65.0	11.3	24.1	-12.8	46.8	-6501	-3.88	-11,132	-10.31	-6.43
103	Dallas Cnty	D	170,948	121,837	71,970	39.0	42.7	64.3	-21.7	66.3	3311	1.98	-36,012	-33.35	-35.33
104	Dallas Cnty	D	172,784	115,035	78,780	25.3	51.7	69.2	-17.5	74.7	5147	3.07	-29,202	-27.04	-30.11
105	Dallas Cnty	R	175,728	127,590	95,900	51.1	24.1	39.2	-15.1	61.4	8091	4.83	-12,082	-11.19	-16.02
106	DFW Suburbs	R	161,947	110,568	107,290	76.1	8.8	14.7	-5.9	60.1	-5690	-3.39	-692	-0.64	2.75
107	Dallas Cnty	R	171,872	123,986	108,045	57.9	15.6	28.9	-13.4	53.8	4235	2.53	63	0.06	-2.47
108	Dallas Cnty	R	163,233	133,667	122,505	74.3	13.6	19.5	-6.0	69.4	-4404	-2.63	14,523	13.45	16.08
109	Dallas Cnty	D	174,223	122,347	112,780	23.4	11.4	20.0	-8.6	57.0	6586	3.93	4,798	4.44	0.51
110	Dallas Cnty	D	167,508	111,827	83,885	14.6	24.9	45.5	-20.6	54.7	-129	-0.08	-24,097	-22.32	-22.24
111	Dallas Cnty	D	166,963	118,393	103,410	24.2	15.1	25.5	-10.3	59.4	-674	-0.40	-4,572	-4.23	-3.83
112	Dallas Cnty	R	167,051	120,192	97,965	54.9	14.8	26.3	-11.5	56.4	-586	-0.35	-10,017	-9.28	-8.93
113	Dallas Cnty	R	171,418	120,834	106,040	53.5	15.3	26.0	-10.8	58.6	3781	2.26	-1,942	-1.80	-4.05
114	Dallas Cnty	R	172,330	130,817	105,540	68.2	11.0	24.2	-13.2	45.6	4693	2.80	-2,442	-2.26	-5.06

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
Dist	Area of State	Party	Total	VAP	CVAP	PCT Anglo	PCT HCVAP	PCT HVAP	%HVAP - %HCVAP	%HCVAP/ %HVAP	TPOP Deviation	%TPOP Deviation	CVAP Deviation	% CVAP Deviation	% CVAP Dev - % TPOP Dev
115	Dallas Cnty	R	171,802	127,352	100,760	58.5	16.7	24.4	-7.8	68.2	4165	2.48	-7,222	-6.69	-9.17
116	Bexar	D	171,463	132,823	115,470	32.3	57.1	59.9	-2.8	95.3	3826	2.28	7,488	6.93	4.65
117	Bexar	R	168,692	117,126	111,045	32.3	60.9	58.8	2.1	103.6	1055	0.63	3,063	2.84	2.21
118	Bexar	D	164,436	116,859	106,575	28.1	67.1	68.7	-1.6	97.6	-3201	-1.91	-1,407	-1.30	0.61
119	Bexar	D	159,981	114,477	106,465	28.5	58.3	62.7	-4.4	93.0	-7656	-4.57	-1,517	-1.40	3.16
120	Bexar	D	175,132	124,829	114,810	30.6	34.1	42.2	-8.1	80.9	7495	4.47	6,828	6.32	1.85
121	Bexar	R	174,867	133,224	128,905	61.0	26.7	31.4	-4.6	85.2	7230	4.31	20,923	19.38	15.06
122	Bexar	R	175,184	128,725	124,270	64.8	23.4	27.8	-4.3	84.4	7547	4.50	16,288	15.08	10.58
123	Bexar	D	175,674	135,763	119,930	30.6	62.3	66.5	-4.2	93.7	8037	4.79	11,948	11.06	6.27
124	Bexar	D	174,795	120,503	115,090	24.8	62.4	66.0	-3.6	94.6	7158	4.27	7,108	6.58	2.31
125	Bexar	D	174,549	125,158	115,800	26.3	64.3	69.1	-4.8	93.1	6912	4.12	7,818	7.24	3.12
126	Houston	R	169,256	123,014	99,335	51.8	17.0	26.8	-9.9	63.2	1619	0.97	-8,647	-8.01	-8.97
127	Houston	R	163,983	115,865	114,290	67.1	12.4	18.1	-5.7	68.6	-3654	-2.18	6,308	5.84	8.02
128	Houston	R	172,221	124,645	116,020	66.4	17.1	25.0	-7.9	68.5	4584	2.73	8,038	7.44	4.71
129	Houston	R	174,127	130,457	121,280	62.9	13.6	20.4	-6.8	66.5	6490	3.87	13,298	12.32	8.44
130	Houston	R	175,532	122,108	119,770	71.6	11.6	17.7	-6.2	65.3	7895	4.71	11,788	10.92	6.21
131	Houston	D	175,227	121,368	93,535	13.2	24.0	41.2	-17.2	58.3	7590	4.53	-14,447	-13.38	-17.91
132	Houston	R	172,973	117,666	109,150	52.4	20.6	33.0	-12.4	62.5	5336	3.18	1,168	1.08	-2.10
133	Houston	R	171,401	135,423	114,530	70.2	9.5	14.7	-5.2	64.6	3764	2.25	6,548	6.06	3.82
134	Houston	R	174,421	143,575	130,040	74.7	11.0	13.3	-2.3	82.6	6784	4.05	22,058	20.43	16.38
135	Houston	R	172,422	121,136	99,750	50.0	18.2	28.5	-10.3	64.0	4785	2.85	-8,232	-7.62	-10.48
136	Austin Area	R	164,376	116,361	113,740	72.8	12.9	16.3	-3.4	79.1	-3261	-1.95	5,758	5.33	7.28
137	Houston	D	171,079	127,834	64,375	32.5	22.0	51.5	-29.6	42.6	3442	2.05	-43,607	-40.38	-42.44
138	Houston	R	173,059	124,435	98,420	50.3	22.3	41.3	-19.0	54.0	5422	3.23	-9,562	-8.86	-12.09
139	Houston	D	175,733	123,875	100,540	21.6	19.0	35.8	-16.7	53.2	8096	4.83	-7,442	-6.89	-11.72
140	Houston	D	170,732	112,332	69,415	17.2	58.5	75.8	-17.2	77.3	3095	1.85	-38,567	-35.72	-37.56
141	Houston	D	166,498	113,951	92,390	13.5	18.2	37.6	-19.4	48.4	-1139	-0.68	-15,592	-14.44	-13.76
142	Houston	D	159,541	113,288	91,845	20.3	21.3	35.0	-13.7	60.8	-8096	-4.83	-16,137	-14.94	-10.11
143	Houston	D	167,215	113,877	84,625	23.7	53.0	69.4	-16.4	76.4	-422	-0.25	-23,357	-21.63	-21.38
144	Houston	D	161,859	108,509	75,785	34.9	50.3	69.8	-19.5	72.1	-5778	-3.45	-32,197	-29.82	-26.37
145	Houston	D	164,574	116,918	83,645	28.4	55.6	69.8	-14.2	79.7	-3063	-1.83	-24,337	-22.54	-20.71
146	Houston	D	174,485	130,444	97,195	24.7	11.2	27.3	-16.1	41.0	6848	4.09	-10,787	-9.99	-14.07
147	Houston	D	175,873	136,034	114,905	28.9	18.4	31.2	-12.8	59.0	8236	4.91	6,923	6.41	1.50
148	Houston	D	170,811	125,873	91,615	40.1	43.5	61.1	-17.6	71.2	3174	1.89	-16,367	-15.16	-17.05
149	Houston	D	170,702	121,535	89,230	27.0	19.1	33.8	-14.7	56.6	3065	1.83	-18,752	-17.37	-19.19
150	Houston	R	168,735	120,462	109,725	66.0	12.3	21.0	-8.7	58.7	1098	0.65	1,743	1.61	0.96

Note: The Ideal CVAP Population is 107,982. The ideal TPOP Deviation is 167,637.

Source is Texas Legislative Council at <ftp://ftp.gis1.tlc.state.tx.us/PlanH358/Reports/Excel/>

Note: CVAP data is from 2010 ACS (2005 through 2009)

TABLE 3  
STATE OF TEXAS  
STATE HOUSE OF REPRESENTATIVES  
83rd Legislature - 1st Called Session - S.B. 3 (June 2013)  
Citizen Voting Age Population Analysis Using American Community Survey  
Sorted by Percent CVAP Deviation

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
Dist	Area of State	Party	Total	VAP	CVAP	PCT Anglo	PCT HCVAP	PCT HVAP	%HVAP - %HCVAP	%HCVAP/ %HVAP	TPOP Deviation	%TPOP Deviation	CVAP Deviation	% CVAP Deviation	% CVAP Dev - % TPOP Dev
49	Austin Area	D	167,309	144,371	130,085	73.1	14.3	21.6	-7.3	66.2	-328	-0.20	22,103	20.47	20.66
134	Houston	R	174,421	143,575	130,040	74.7	11.0	13.3	-2.3	82.6	6784	4.05	22,058	20.43	16.38
121	Bexar	R	174,867	133,224	128,905	61.0	26.7	31.4	-4.6	85.2	7230	4.31	20,923	19.38	15.06
19	Southeast TX	R	171,969	131,682	128,705	82.5	3.7	6.3	-2.6	58.3	4332	2.58	20,723	19.19	16.61
61	DFW Suburbs	R	176,054	130,782	128,065	88.5	6.0	10.6	-4.6	56.9	8417	5.02	20,083	18.60	13.58
60	West Texas	R	171,429	131,870	127,825	86.9	9.2	11.8	-2.6	78.0	3792	2.26	19,843	18.38	16.11
48	Austin Area	D	173,008	135,585	127,810	74.4	16.7	20.4	-3.7	81.9	5371	3.20	19,828	18.36	15.16
18	Southeast TX	R	169,888	132,877	126,560	71.3	8.1	14.2	-6.1	57.0	2251	1.34	18,578	17.20	15.86
73	Bexar	R	166,719	127,882	126,130	79.7	16.6	19.8	-3.3	83.6	-918	-0.55	18,148	16.81	17.35
44	Central Texas	R	174,451	126,713	125,720	60.9	29.7	32.7	-3.0	90.9	6814	4.06	17,738	16.43	12.36
47	Austin Area	R	175,314	127,689	125,095	80.3	12.3	12.6	-0.3	97.7	7677	4.58	17,113	15.85	11.27
2	Northeast TX	R	173,869	130,806	124,825	85.1	5.5	10.0	-4.5	55.2	6232	3.72	16,843	15.60	11.88
45	Austin Area	R	167,604	126,549	124,330	66.7	25.5	30.0	-4.6	84.8	-33	-0.02	16,348	15.14	15.16
122	Bexar	R	175,184	128,725	124,270	64.8	23.4	27.8	-4.3	84.4	7547	4.50	16,288	15.08	10.58
32	S Tex RG Valley	R	167,074	126,072	124,080	46.8	44.2	45.9	-1.6	96.5	-563	-0.34	16,098	14.91	15.24
84	West Texas	R	167,970	128,898	124,075	58.7	28.0	30.2	-2.2	92.8	333	0.20	16,093	14.90	14.70
71	West Texas	R	166,924	127,097	123,650	71.2	17.9	20.1	-2.1	89.4	-713	-0.43	15,668	14.51	14.94
13	Central Texas	R	170,617	131,129	123,515	75.2	9.5	15.9	-6.4	59.7	2980	1.78	15,533	14.38	12.61
53	West Texas	R	162,897	127,381	123,515	72.2	23.1	26.8	-3.7	86.3	-4740	-2.83	15,533	14.38	17.21
83	West Texas	R	173,918	127,906	123,330	67.1	24.9	28.1	-3.2	88.8	6281	3.75	15,348	14.21	10.47
72	West Texas	R	170,479	130,771	123,075	64.6	27.6	32.3	-4.8	85.3	2842	1.70	15,093	13.98	12.28
97	Tarrant Cnty	R	168,869	131,311	122,870	70.5	9.8	15.7	-5.9	62.3	1232	0.73	14,888	13.79	13.05
108	Dallas Cnty	R	163,233	133,667	122,505	74.3	13.6	19.5	-6.0	69.4	-4404	-2.63	14,523	13.45	16.08
1	Northeast TX	R	165,823	125,927	122,470	75.1	3.1	5.8	-2.7	53.5	-1814	-1.08	14,488	13.42	14.50
9	Northeast TX	R	166,719	125,947	121,420	75.8	2.5	6.9	-4.4	35.8	-918	-0.55	13,438	12.44	12.99
21	Southeast TX	R	172,180	130,308	121,365	82.0	5.2	9.3	-4.1	55.7	4543	2.71	13,383	12.39	9.68
129	Houston	R	174,127	130,457	121,280	62.9	13.6	20.4	-6.8	66.5	6490	3.87	13,298	12.32	8.44
25	Houston Suburbs	R	174,168	129,041	121,250	62.4	20.8	27.4	-6.6	75.9	6531	3.90	13,268	12.29	8.39
30	Central Texas	R	166,022	124,729	121,220	59.0	31.8	35.2	-3.4	90.4	-1615	-0.96	13,238	12.26	13.22
43	S Tex RG Valley	R	169,564	124,492	120,575	35.8	57.7	59.8	-2.1	96.5	1927	1.15	12,593	11.66	10.51
123	Bexar	D	175,674	135,763	119,930	30.6	62.3	66.5	-4.2	93.7	8037	4.79	11,948	11.06	6.27
130	Houston	R	175,532	122,108	119,770	71.6	11.6	17.7	-6.2	65.3	7895	4.71	11,788	10.92	6.21
11	Northeast TX	R	168,699	128,086	118,640	72.2	5.7	13.9	-8.3	40.6	1062	0.63	10,658	9.87	9.24
24	Houston Suburbs	R	162,685	118,491	118,260	74.8	11.3	15.6	-4.3	72.3	-4952	-2.95	10,278	9.52	12.47
57	Southeast TX	R	164,418	124,630	118,140	72.8	7.2	13.0	-5.8	55.5	-3219	-1.92	10,158	9.41	11.33

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
Dist	Area of State	Party	Total	VAP	CVAP	PCT Anglo	PCT HCVAP	PCT HVAP	%HVAP - %HCVAP	%HCVAP/ %HVAP	TPOP Deviation	%TPOP Deviation	CVAP Deviation	% CVAP Deviation	% CVAP Dev - % TPOP Dev
58	Central Texas	R	169,146	123,826	118,105	84.2	8.7	14.9	-6.1	58.8	1509	0.90	10,123	9.37	8.47
59	Central Texas	R	163,609	122,193	118,030	75.9	11.4	15.6	-4.2	73.1	-4028	-2.40	10,048	9.31	11.71
56	Central Texas	R	163,869	123,411	117,985	72.6	12.4	17.8	-5.4	69.7	-3768	-2.25	10,003	9.26	11.51
4	DFW Suburbs	R	168,429	123,603	117,715	81.5	6.3	11.7	-5.4	53.6	792	0.47	9,733	9.01	8.54
62	Northeast TX	R	160,023	122,203	117,530	85.0	4.2	8.6	-4.4	49.0	-7614	-4.54	9,548	8.84	13.38
34	S Tex RG Valley	D	173,149	125,896	117,465	28.0	64.6	67.7	-3.1	95.4	5512	3.29	9,483	8.78	5.49
69	West Texas	R	160,087	123,063	117,450	77.2	9.7	12.9	-3.2	75.3	-7550	-4.50	9,468	8.77	13.27
92	Tarrant Cnty	R	162,326	126,290	116,980	70.3	9.6	14.5	-4.9	66.1	-5311	-3.17	8,998	8.33	11.50
89	DFW Suburbs	R	172,138	118,380	116,895	72.4	8.9	13.0	-4.2	68.0	4501	2.68	8,913	8.25	5.57
64	DFW Suburbs	R	167,588	129,175	116,875	75.0	10.1	16.6	-6.5	60.8	-49	-0.03	8,893	8.24	8.26
99	Tarrant Cnty	R	170,473	125,722	116,830	74.7	14.7	20.1	-5.4	73.1	2836	1.69	8,848	8.19	6.50
15	Houston Suburbs	R	167,349	120,450	116,690	81.8	7.4	13.5	-6.1	55.0	-288	-0.17	8,708	8.06	8.24
55	Central Texas	R	162,176	119,755	116,635	64.4	14.9	19.4	-4.5	76.8	-5461	-3.26	8,653	8.01	11.27
29	Houston Suburbs	R	175,700	124,171	116,165	57.5	17.4	23.2	-5.8	74.9	8063	4.81	8,183	7.58	2.77
128	Houston	R	172,221	124,645	116,020	66.4	17.1	25.0	-7.9	68.5	4584	2.73	8,038	7.44	4.71
86	West Texas	R	165,183	121,555	115,915	76.4	16.5	22.3	-5.8	73.9	-2454	-1.46	7,933	7.35	8.81
125	Bexar	D	174,549	125,158	115,800	26.3	64.3	69.1	-4.8	93.1	6912	4.12	7,818	7.24	3.12
33	DFW Suburbs	R	172,135	119,518	115,655	77.9	8.5	13.5	-4.9	63.5	4498	2.68	7,673	7.11	4.42
22	Southeast TX	D	161,930	122,897	115,525	37.0	7.7	15.7	-8.0	49.0	-5707	-3.40	7,543	6.99	10.39
116	Bexar	D	171,463	132,823	115,470	32.3	57.1	59.9	-2.8	95.3	3826	2.28	7,488	6.93	4.65
20	Central Texas	R	159,816	121,754	115,395	82.8	10.3	16.6	-6.2	62.4	-7821	-4.67	7,413	6.87	11.53
124	Bexar	D	174,795	120,503	115,090	24.8	62.4	66.0	-3.6	94.6	7158	4.27	7,108	6.58	2.31
147	Houston	D	175,873	136,034	114,905	28.9	18.4	31.2	-12.8	59.0	8236	4.91	6,923	6.41	1.50
98	Tarrant Cnty	R	164,081	114,953	114,875	83.7	6.7	9.8	-3.1	68.8	-3556	-2.12	6,893	6.38	8.50
120	Bexar	D	175,132	124,829	114,810	30.6	34.1	42.2	-8.1	80.9	7495	4.47	6,828	6.32	1.85
133	Houston	R	171,401	135,423	114,530	70.2	9.5	14.7	-5.2	64.6	3764	2.25	6,548	6.06	3.82
14	Central Texas	R	163,187	131,479	114,485	68.6	14.1	21.0	-6.9	67.2	-4450	-2.65	6,503	6.02	8.68
8	Central Texas	R	161,098	123,550	114,450	72.1	8.8	15.4	-6.6	57.0	-6539	-3.90	6,468	5.99	9.89
127	Houston	R	163,983	115,865	114,290	67.1	12.4	18.1	-5.7	68.6	-3654	-2.18	6,308	5.84	8.02
94	Tarrant Cnty	R	167,374	125,516	114,195	69.8	10.2	15.3	-5.2	66.3	-263	-0.16	6,213	5.75	5.91
136	Austin Area	R	164,376	116,361	113,740	72.8	12.9	16.3	-3.4	79.1	-3261	-1.95	5,758	5.33	7.28
63	DFW Suburbs	R	167,337	115,634	113,605	80.8	8.0	13.1	-5.1	61.2	-300	-0.18	5,623	5.21	5.39
82	West Texas	R	163,234	118,623	113,415	59.3	28.6	35.2	-6.6	81.2	-4403	-2.63	5,433	5.03	7.66
66	DFW Suburbs	R	172,129	130,796	113,390	69.7	6.0	9.1	-3.1	65.8	4492	2.68	5,408	5.01	2.33
109	Dallas Cnty	D	174,223	122,347	112,780	23.4	11.4	20.0	-8.6	57.0	6586	3.93	4,798	4.44	0.51
68	West Texas	R	160,508	121,547	112,760	80.9	12.8	18.5	-5.7	69.1	-7129	-4.25	4,778	4.42	8.68
5	Northeast TX	R	160,253	120,169	112,555	78.8	5.2	13.2	-7.9	39.8	-7384	-4.40	4,573	4.23	8.64
54	Central Texas	R	167,736	117,164	112,385	51.6	15.8	17.6	-1.9	89.5	99	0.06	4,403	4.08	4.02
7	Northeast TX	R	161,039	120,296	112,255	74.7	3.9	11.2	-7.3	34.9	-6598	-3.94	4,273	3.96	7.89
17	Central Texas	R	163,480	121,295	112,125	61.1	27.0	33.4	-6.4	80.9	-4157	-2.48	4,143	3.84	6.32
23	Houston Suburbs	R	163,720	123,736	111,960	59.8	16.6	22.7	-6.1	73.2	-3917	-2.34	3,978	3.68	6.02
10	DFW Suburbs	R	163,063	116,978	111,680	75.6	13.1	18.7	-5.5	70.4	-4574	-2.73	3,698	3.42	6.15

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A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
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12	Central Texas	R	160,573	119,556	111,590	64.4	11.8	19.5	-7.7	60.6	-7064	-4.21	3,608	3.34	7.56
52	Austin Area	R	165,994	114,146	111,445	62.8	19.6	26.7	-7.1	73.5	-1643	-0.98	3,463	3.21	4.19
67	DFW Suburbs	R	172,141	126,368	111,250	70.1	7.5	13.9	-6.4	54.0	4504	2.69	3,268	3.03	0.34
117	Bexar	R	168,692	117,126	111,045	32.3	60.9	58.8	2.1	103.6	1055	0.63	3,063	2.84	2.21
70	DFW Suburbs	R	172,135	117,432	110,995	75.3	10.0	15.9	-5.9	62.9	4498	2.68	3,013	2.79	0.11
50	Austin Area	D	166,516	124,252	110,735	57.5	17.7	25.3	-7.6	69.9	-1121	-0.67	2,753	2.55	3.22
6	Northeast TX	R	160,008	119,154	109,970	70.1	6.5	14.9	-8.3	44.0	-7629	-4.55	1,988	1.84	6.39
3	Houston Suburbs	R	164,955	119,595	109,760	75.4	9.7	20.0	-10.3	48.5	-2682	-1.60	1,778	1.65	3.25
150	Houston	R	168,735	120,462	109,725	66.0	12.3	21.0	-8.7	58.7	1098	0.65	1,743	1.61	0.96
65	DFW Suburbs	R	165,742	124,977	109,350	62.3	9.8	18.6	-8.8	52.5	-1895	-1.13	1,368	1.27	2.40
87	West Texas	R	174,343	125,360	109,320	65.0	21.8	29.7	-7.9	73.3	6706	4.00	1,338	1.24	-2.76
132	Houston	R	172,973	117,666	109,150	52.4	20.6	33.0	-12.4	62.5	5336	3.18	1,168	1.08	-2.10
96	Tarrant Cnty	R	164,930	113,924	109,035	65.5	10.1	15.2	-5.1	66.5	-2707	-1.61	1,053	0.98	2.59
81	West Texas	R	169,684	120,535	108,980	51.8	39.0	46.9	-7.9	83.2	2047	1.22	998	0.92	-0.30
91	Tarrant Cnty	R	162,838	119,048	108,845	75.9	10.9	18.2	-7.2	60.2	-4799	-2.86	863	0.80	3.66
16	Houston Suburbs	R	166,647	122,271	108,180	80.7	9.3	21.1	-11.8	44.2	-990	-0.59	198	0.18	0.77
107	Dallas Cnty	R	171,872	123,986	108,045	57.9	15.6	28.9	-13.4	53.8	4235	2.53	63	0.06	-2.47
106	DFW Suburbs	R	161,947	110,568	107,290	76.1	8.8	14.7	-5.9	60.1	-5690	-3.39	-692	-0.64	2.75
118	Bexar	D	164,436	116,859	106,575	28.1	67.1	68.7	-1.6	97.6	-3201	-1.91	-1,407	-1.30	0.61
119	Bexar	D	159,981	114,477	106,465	28.5	58.3	62.7	-4.4	93.0	-7656	-4.57	-1,517	-1.40	3.16
113	Dallas Cnty	R	171,418	120,834	106,040	53.5	15.3	26.0	-10.8	58.6	3781	2.26	-1,942	-1.80	-4.05
114	Dallas Cnty	R	172,330	130,817	105,540	68.2	11.0	24.2	-13.2	45.6	4693	2.80	-2,442	-2.26	-5.06
27	Houston Suburbs	D	160,084	113,596	104,295	26.2	14.8	19.7	-4.8	75.4	-7553	-4.51	-3,687	-3.41	1.09
31	S Tex RG Valley	D	171,858	121,699	104,285	23.1	73.9	77.7	-3.8	95.1	4221	2.52	-3,697	-3.42	-5.94
88	West Texas	R	160,896	115,622	103,670	60.9	29.4	38.9	-9.5	75.7	-6741	-4.02	-4,312	-3.99	0.03
93	Tarrant Cnty	R	162,161	113,584	103,455	64.1	14.8	22.8	-8.0	65.0	-5476	-3.27	-4,527	-4.19	-0.93
111	Dallas Cnty	D	166,963	118,393	103,410	24.2	15.1	25.5	-10.3	59.4	-674	-0.40	-4,572	-4.23	-3.83
85	Houston Suburbs	R	160,182	113,433	102,620	48.3	27.5	35.1	-7.6	78.5	-7455	-4.45	-5,362	-4.97	-0.52
28	Houston Suburbs	R	160,373	107,968	100,995	53.3	15.6	20.6	-5.0	75.8	-7264	-4.33	-6,987	-6.47	-2.14
115	Dallas Cnty	R	171,802	127,352	100,760	58.5	16.7	24.4	-7.8	68.2	4165	2.48	-7,222	-6.69	-9.17
139	Houston	D	175,733	123,875	100,540	21.6	19.0	35.8	-16.7	53.2	8096	4.83	-7,442	-6.89	-11.72
135	Houston	R	172,422	121,136	99,750	50.0	18.2	28.5	-10.3	64.0	4785	2.85	-8,232	-7.62	-10.48
126	Houston	R	169,256	123,014	99,335	51.8	17.0	26.8	-9.9	63.2	1619	0.97	-8,647	-8.01	-8.97
78	El Paso	D	160,161	111,913	98,925	31.6	58.3	64.7	-6.4	90.0	-7476	-4.46	-9,057	-8.39	-3.93
79	El Paso	D	160,658	112,399	98,435	17.0	76.7	79.9	-3.2	96.0	-6979	-4.16	-9,547	-8.84	-4.68
138	Houston	R	173,059	124,435	98,420	50.3	22.3	41.3	-19.0	54.0	5422	3.23	-9,562	-8.86	-12.09
51	Austin Area	D	175,709	128,793	98,320	41.5	44.0	56.2	-12.2	78.3	8072	4.82	-9,662	-8.95	-13.76
112	Dallas Cnty	R	167,051	120,192	97,965	54.9	14.8	26.3	-11.5	56.4	-586	-0.35	-10,017	-9.28	-8.93
100	Dallas Cnty	D	161,143	117,479	97,410	29.8	18.3	33.1	-14.8	55.2	-6494	-3.87	-10,572	-9.79	-5.92
26	Houston Suburbs	R	160,091	117,247	97,320	52.2	11.6	14.9	-3.3	77.8	-7546	-4.50	-10,662	-9.87	-5.37
146	Houston	D	174,485	130,444	97,195	24.7	11.2	27.3	-16.1	41.0	6848	4.09	-10,787	-9.99	-14.07
102	Dallas Cnty	R	161,136	122,520	96,850	65.0	11.3	24.1	-12.8	46.8	-6501	-3.88	-11,132	-10.31	-6.43

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Dist	Area of State	Party	Total	VAP	CVAP	PCT Anglo	PCT HCVAP	PCT HVAP	%HVAP - %HCVAP	%HCVAP/ %HVAP	TPOP Deviation	%TPOP Deviation	CVAP Deviation	% CVAP Deviation	% CVAP Dev - % TPOP Dev
95	Tarrant Cnty	D	161,634	115,752	96,150	32.9	12.9	24.3	-11.4	53.0	-6003	-3.58	-11,832	-10.96	-7.38
105	Dallas Cnty	R	175,728	127,590	95,900	51.1	24.1	39.2	-15.1	61.4	8091	4.83	-12,082	-11.19	-16.02
76	El Paso	D	159,752	116,389	94,705	11.2	83.5	87.3	-3.7	95.7	-7885	-4.70	-13,277	-12.30	-7.59
46	Austin Area	D	166,410	118,539	94,335	41.6	24.6	41.6	-16.9	59.3	-1227	-0.73	-13,647	-12.64	-11.91
131	Houston	D	175,227	121,368	93,535	13.2	24.0	41.2	-17.2	58.3	7590	4.53	-14,447	-13.38	-17.91
101	Tarrant Cnty	D	164,664	110,209	92,990	35.5	19.7	32.5	-12.8	60.6	-2973	-1.77	-14,992	-13.88	-12.11
141	Houston	D	166,498	113,951	92,390	13.5	18.2	37.6	-19.4	48.4	-1139	-0.68	-15,592	-14.44	-13.76
38	S Tex RG Valley	D	168,214	110,865	92,195	13.5	80.2	86.7	-6.4	92.6	577	0.34	-15,787	-14.62	-14.96
142	Houston	D	159,541	113,288	91,845	20.3	21.3	35.0	-13.7	60.8	-8096	-4.83	-16,137	-14.94	-10.11
148	Houston	D	170,811	125,873	91,615	40.1	43.5	61.1	-17.6	71.2	3174	1.89	-16,367	-15.16	-17.05
74	S Tex RG Valley	D	162,357	115,236	91,345	24.6	69.4	76.6	-7.3	90.5	-5280	-3.15	-16,637	-15.41	-12.26
77	El Paso	D	160,385	115,924	90,830	22.9	69.6	76.0	-6.4	91.6	-7252	-4.33	-17,152	-15.88	-11.56
149	Houston	D	170,702	121,535	89,230	27.0	19.1	33.8	-14.7	56.6	3065	1.83	-18,752	-17.37	-19.19
41	S Tex RG Valley	D	168,776	115,033	88,365	17.9	75.7	80.4	-4.6	94.2	1139	0.68	-19,617	-18.17	-18.85
80	S Tex RG Valley	D	161,949	106,402	86,650	15.5	78.7	86.1	-7.4	91.4	-5688	-3.39	-21,332	-19.76	-16.36
39	S Tex RG Valley	D	168,659	110,751	85,015	14.6	78.9	88.0	-9.1	89.7	1022	0.61	-22,967	-21.27	-21.88
143	Houston	D	167,215	113,877	84,625	23.7	53.0	69.4	-16.4	76.4	-422	-0.25	-23,357	-21.63	-21.38
42	S Tex RG Valley	D	167,668	111,699	84,125	5.4	91.2	95.0	-3.9	95.9	31	0.02	-23,857	-22.09	-22.11
110	Dallas Cnty	D	167,508	111,827	83,885	14.6	24.9	45.5	-20.6	54.7	-129	-0.08	-24,097	-22.32	-22.24
145	Houston	D	164,574	116,918	83,645	28.4	55.6	69.8	-14.2	79.7	-3063	-1.83	-24,337	-22.54	-20.71
40	S Tex RG Valley	D	168,662	108,086	79,875	8.2	88.4	92.1	-3.8	95.9	1025	0.61	-28,107	-26.03	-26.64
37	S Tex RG Valley	D	169,088	113,454	78,885	15.5	81.5	87.1	-5.6	93.6	1451	0.87	-29,097	-26.95	-27.81
104	Dallas Cnty	D	172,784	115,035	78,780	25.3	51.7	69.2	-17.5	74.7	5147	3.07	-29,202	-27.04	-30.11
35	S Tex RG Valley	D	168,627	109,154	77,585	18.6	78.9	85.1	-6.2	92.7	990	0.59	-30,397	-28.15	-28.74
75	El Paso	D	159,691	103,209	77,455	8.9	89.0	91.8	-2.8	97.0	-7946	-4.74	-30,527	-28.27	-23.53
36	S Tex RG Valley	D	168,963	110,963	76,060	11.9	86.0	90.8	-4.8	94.7	1326	0.79	-31,922	-29.56	-30.35
144	Houston	D	161,859	108,509	75,785	34.9	50.3	69.8	-19.5	72.1	-5778	-3.45	-32,197	-29.82	-26.37
103	Dallas Cnty	D	170,948	121,837	71,970	39.0	42.7	64.3	-21.7	66.3	3311	1.98	-36,012	-33.35	-35.33
90	Tarrant Cnty	D	159,684	105,664	71,770	27.9	49.0	70.7	-21.7	69.3	-7953	-4.74	-36,212	-33.54	-28.79
140	Houston	D	170,732	112,332	69,415	17.2	58.5	75.8	-17.2	77.3	3095	1.85	-38,567	-35.72	-37.56
137	Houston	D	171,079	127,834	64,375	32.5	22.0	51.5	-29.6	42.6	3442	2.05	-43,607	-40.38	-42.44

Note: The Ideal CVAP Population is 107,982. The ideal TPOP Deviation is 167,637.

Source is Texas Legislative Council at <ftp://ftpgis1.tlc.state.tx.us/PlanH358/Reports/Excel/>

Note: CVAP data is from 2010 ACS (2005 through 2009)



**TABLE 4**  
**STATE OF TEXAS**  
**STATE HOUSE OF REPRESENTATIVES**  
**83rd Legislature - 1st Called Session - S.B. 3 (June 2013)**  
**Citizen Voting Age Population Analysis Using American Community Survey**  
**Sorted by Percentage Citizen Adult Latino**

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
Dist	Area of State	Party	Total	VAP	CVAP	PCT Anglo	PCT HCVAP	PCT HVAP	%HVAP - %HCVAP	%HCVAP/ %HVAP	TPOP Deviation	%TPOP Deviation	CVAP Deviation	% CVAP Deviation	% CVAP Dev - % TPOP Dev
42	S Tex RG Valley	D	167,668	111,699	84,125	5.4	91.2	95.0	-3.9	95.9	31	0.02	-23,857	-22.09	-22.11
75	El Paso	D	159,691	103,209	77,455	8.9	89.0	91.8	-2.8	97.0	-7946	-4.74	-30,527	-28.27	-23.53
40	S Tex RG Valley	D	168,662	108,086	79,875	8.2	88.4	92.1	-3.8	95.9	1025	0.61	-28,107	-26.03	-26.64
36	S Tex RG Valley	D	168,963	110,963	76,060	11.9	86.0	90.8	-4.8	94.7	1326	0.79	-31,922	-29.56	-30.35
76	El Paso	D	159,752	116,389	94,705	11.2	83.5	87.3	-3.7	95.7	-7885	-4.70	-13,277	-12.30	-7.59
37	S Tex RG Valley	D	169,088	113,454	78,885	15.5	81.5	87.1	-5.6	93.6	1451	0.87	-29,097	-26.95	-27.81
38	S Tex RG Valley	D	168,214	110,865	92,195	13.5	80.2	86.7	-6.4	92.6	577	0.34	-15,787	-14.62	-14.96
39	S Tex RG Valley	D	168,659	110,751	85,015	14.6	78.9	88.0	-9.1	89.7	1022	0.61	-22,967	-21.27	-21.88
35	S Tex RG Valley	D	168,627	109,154	77,585	18.6	78.9	85.1	-6.2	92.7	990	0.59	-30,397	-28.15	-28.74
80	S Tex RG Valley	D	161,949	106,402	86,650	15.5	78.7	86.1	-7.4	91.4	-5688	-3.39	-21,332	-19.76	-16.36
79	El Paso	D	160,658	112,399	98,435	17.0	76.7	79.9	-3.2	96.0	-6979	-4.16	-9,547	-8.84	-4.68
41	S Tex RG Valley	D	168,776	115,033	88,365	17.9	75.7	80.4	-4.6	94.2	1139	0.68	-19,617	-18.17	-18.85
31	S Tex RG Valley	D	171,858	121,699	104,285	23.1	73.9	77.7	-3.8	95.1	4221	2.52	-3,697	-3.42	-5.94
77	El Paso	D	160,385	115,924	90,830	22.9	69.6	76.0	-6.4	91.6	-7252	-4.33	-17,152	-15.88	-11.56
74	S Tex RG Valley	D	162,357	115,236	91,345	24.6	69.4	76.6	-7.3	90.5	-5280	-3.15	-16,637	-15.41	-12.26
118	Bexar	D	164,436	116,859	106,575	28.1	67.1	68.7	-1.6	97.6	-3201	-1.91	-1,407	-1.30	0.61
34	S Tex RG Valley	D	173,149	125,896	117,465	28.0	64.6	67.7	-3.1	95.4	5512	3.29	9,483	8.78	5.49
125	Bexar	D	174,549	125,158	115,800	26.3	64.3	69.1	-4.8	93.1	6912	4.12	7,818	7.24	3.12
124	Bexar	D	174,795	120,503	115,090	24.8	62.4	66.0	-3.6	94.6	7158	4.27	7,108	6.58	2.31
123	Bexar	D	175,674	135,763	119,930	30.6	62.3	66.5	-4.2	93.7	8037	4.79	11,948	11.06	6.27
117	Bexar	R	168,692	117,126	111,045	32.3	60.9	58.8	2.1	103.6	1055	0.63	3,063	2.84	2.21
140	Houston	D	170,732	112,332	69,415	17.2	58.5	75.8	-17.2	77.3	3095	1.85	-38,567	-35.72	-37.56
78	El Paso	D	160,161	111,913	98,925	31.6	58.3	64.7	-6.4	90.0	-7476	-4.46	-9,057	-8.39	-3.93
119	Bexar	D	159,981	114,477	106,465	28.5	58.3	62.7	-4.4	93.0	-7656	-4.57	-1,517	-1.40	3.16
43	S Tex RG Valley	R	169,564	124,492	120,575	35.8	57.7	59.8	-2.1	96.5	1927	1.15	12,593	11.66	10.51
116	Bexar	D	171,463	132,823	115,470	32.3	57.1	59.9	-2.8	95.3	3826	2.28	7,488	6.93	4.65
145	Houston	D	164,574	116,918	83,645	28.4	55.6	69.8	-14.2	79.7	-3063	-1.83	-24,337	-22.54	-20.71
143	Houston	D	167,215	113,877	84,625	23.7	53.0	69.4	-16.4	76.4	-422	-0.25	-23,357	-21.63	-21.38
104	Dallas Cnty	D	172,784	115,035	78,780	25.3	51.7	69.2	-17.5	74.7	5147	3.07	-29,202	-27.04	-30.11
144	Houston	D	161,859	108,509	75,785	34.9	50.3	69.8	-19.5	72.1	-5778	-3.45	-32,197	-29.82	-26.37
90	Tarrant Cnty	D	159,684	105,664	71,770	27.9	49.0	70.7	-21.7	69.3	-7953	-4.74	-36,212	-33.54	-28.79
32	S Tex RG Valley	R	167,074	126,072	124,080	46.8	44.2	45.9	-1.6	96.5	-563	-0.34	16,098	14.91	15.24
51	Austin Area	D	175,709	128,793	98,320	41.5	44.0	56.2	-12.2	78.3	8072	4.82	-9,662	-8.95	-13.76
148	Houston	D	170,811	125,873	91,615	40.1	43.5	61.1	-17.6	71.2	3174	1.89	-16,367	-15.16	-17.05
103	Dallas Cnty	D	170,948	121,837	71,970	39.0	42.7	64.3	-21.7	66.3	3311	1.98	-36,012	-33.35	-35.33

Average Deviation (35 Districts)

-459.53  
-13.13

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
Dist	Area of State	Party	Total	VAP	CVAP	PCT Anglo	PCT HCVAP	PCT HVAP	%HVAP - %HCVAP	%HCVAP/ %HVAP	TPOP Deviation	%TPOP Deviation	CVAP Deviation	% CVAP Deviation	% CVAP Dev - % TPOP Dev
81	West Texas	R	169,684	120,535	108,980	51.8	39.0	46.9	-7.9	83.2	2047	1.22	998	0.92	-0.30
120	Bexar	D	175,132	124,829	114,810	30.6	34.1	42.2	-8.1	80.9	7495	4.47	6,828	6.32	1.85
30	Central Texas	R	166,022	124,729	121,220	59.0	31.8	35.2	-3.4	90.4	-1615	-0.96	13,238	12.26	13.22
44	Central Texas	R	174,451	126,713	125,720	60.9	29.7	32.7	-3.0	90.9	6814	4.06	17,738	16.43	12.36
88	West Texas	R	160,896	115,622	103,670	60.9	29.4	38.9	-9.5	75.7	-6741	-4.02	-4,312	-3.99	0.03
82	West Texas	R	163,234	118,623	113,415	59.3	28.6	35.2	-6.6	81.2	-4403	-2.63	5,433	5.03	7.66
84	West Texas	R	167,970	128,898	124,075	58.7	28.0	30.2	-2.2	92.8	333	0.20	16,093	14.90	14.70
72	West Texas	R	170,479	130,771	123,075	64.6	27.6	32.3	-4.8	85.3	2842	1.70	15,093	13.98	12.28
85	Houston Suburbs	R	160,182	113,433	102,620	48.3	27.5	35.1	-7.6	78.5	-7455	-4.45	-5,362	-4.97	-0.52
17	Central Texas	R	163,480	121,295	112,125	61.1	27.0	33.4	-6.4	80.9	-4157	-2.48	4,143	3.84	6.32
121	Bexar	R	174,867	133,224	128,905	61.0	26.7	31.4	-4.6	85.2	7230	4.31	20,923	19.38	15.06
45	Austin Area	R	167,604	126,549	124,330	66.7	25.5	30.0	-4.6	84.8	-33	-0.02	16,348	15.14	15.16
83	West Texas	R	173,918	127,906	123,330	67.1	24.9	28.1	-3.2	88.8	6281	3.75	15,348	14.21	10.47
110	Dallas Cnty	D	167,508	111,827	83,885	14.6	24.9	45.5	-20.6	54.7	-129	-0.08	-24,097	-22.32	-22.24
46	Austin Area	D	166,410	118,539	94,335	41.6	24.6	41.6	-16.9	59.3	-1227	-0.73	-13,647	-12.64	-11.91
105	Dallas Cnty	R	175,728	127,590	95,900	51.1	24.1	39.2	-15.1	61.4	8091	4.83	-12,082	-11.19	-16.02
131	Houston	D	175,227	121,368	93,535	13.2	24.0	41.2	-17.2	58.3	7590	4.53	-14,447	-13.38	-17.91
122	Bexar	R	175,184	128,725	124,270	64.8	23.4	27.8	-4.3	84.4	7547	4.50	16,288	15.08	10.58
53	West Texas	R	162,897	127,381	123,515	72.2	23.1	26.8	-3.7	86.3	-4740	-2.83	15,533	14.38	17.21
138	Houston	R	173,059	124,435	98,420	50.3	22.3	41.3	-19.0	54.0	5422	3.23	-9,562	-8.86	-12.09
137	Houston	D	171,079	127,834	64,375	32.5	22.0	51.5	-29.6	42.6	3442	2.05	-43,607	-40.38	-42.44
87	West Texas	R	174,343	125,360	109,320	65.0	21.8	29.7	-7.9	73.3	6706	4.00	1,338	1.24	-2.76
142	Houston	D	159,541	113,288	91,845	20.3	21.3	35.0	-13.7	60.8	-8096	-4.83	-16,137	-14.94	-10.11
25	Houston Suburbs	R	174,168	129,041	121,250	62.4	20.8	27.4	-6.6	75.9	6531	3.90	13,268	12.29	8.39
132	Houston	R	172,973	117,666	109,150	52.4	20.6	33.0	-12.4	62.5	5336	3.18	1,168	1.08	-2.10
101	Tarrant Cnty	D	164,664	110,209	92,990	35.5	19.7	32.5	-12.8	60.6	-2973	-1.77	-14,992	-13.88	-12.11
52	Austin Area	R	165,994	114,146	111,445	62.8	19.6	26.7	-7.1	73.5	-1643	-0.98	3,463	3.21	4.19
149	Houston	D	170,702	121,535	89,230	27.0	19.1	33.8	-14.7	56.6	3065	1.83	-18,752	-17.37	-19.19
139	Houston	D	175,733	123,875	100,540	21.6	19.0	35.8	-16.7	53.2	8096	4.83	-7,442	-6.89	-11.72
147	Houston	D	175,873	136,034	114,905	28.9	18.4	31.2	-12.8	59.0	8236	4.91	6,923	6.41	1.50
100	Dallas Cnty	D	161,143	117,479	97,410	29.8	18.3	33.1	-14.8	55.2	-6494	-3.87	-10,572	-9.79	-5.92
135	Houston	R	172,422	121,136	99,750	50.0	18.2	28.5	-10.3	64.0	4785	2.85	-8,232	-7.62	-10.48
141	Houston	D	166,498	113,951	92,390	13.5	18.2	37.6	-19.4	48.4	-1139	-0.68	-15,592	-14.44	-13.76
71	West Texas	R	166,924	127,097	123,650	71.2	17.9	20.1	-2.1	89.4	-713	-0.43	15,668	14.51	14.94
50	Austin Area	D	166,516	124,252	110,735	57.5	17.7	25.3	-7.6	69.9	-1121	-0.67	2,753	2.55	3.22
29	Houston Suburbs	R	175,700	124,171	116,165	57.5	17.4	23.2	-5.8	74.9	8063	4.81	8,183	7.58	2.77
128	Houston	R	172,221	124,645	116,020	66.4	17.1	25.0	-7.9	68.5	4584	2.73	8,038	7.44	4.71
126	Houston	R	169,256	123,014	99,335	51.8	17.0	26.8	-9.9	63.2	1619	0.97	-8,647	-8.01	-8.97
48	Austin Area	D	173,008	135,585	127,810	74.4	16.7	20.4	-3.7	81.9	5371	3.20	19,828	18.36	15.16
115	Dallas Cnty	R	171,802	127,352	100,760	58.5	16.7	24.4	-7.8	68.2	4165	2.48	-7,222	-6.69	-9.17
23	Houston Suburbs	R	163,720	123,736	111,960	59.8	16.6	22.7	-6.1	73.2	-3917	-2.34	3,978	3.68	6.02
73	Bexar	R	166,719	127,882	126,130	79.7	16.6	19.8	-3.3	83.6	-918	-0.55	18,148	16.81	17.35

Table 4 - Page 2 of 4

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
Dist	Area of State	Party	Total	VAP	CVAP	PCT Anglo	PCT HCVAP	PCT HVAP	%HVAP - %HCVAP	%HCVAP/ %HVAP	TPOP Deviation	%TPOP Deviation	CVAP Deviation	% CVAP Deviation	% CVAP Dev - % TPOP Dev
86	West Texas	R	165,183	121,555	115,915	76.4	16.5	22.3	-5.8	73.9	-2454	-1.46	7,933	7.35	8.81
54	Central Texas	R	167,736	117,164	112,385	51.6	15.8	17.6	-1.9	89.5	99	0.06	4,403	4.08	4.02
28	Houston Suburbs	R	160,373	107,968	100,995	53.3	15.6	20.6	-5.0	75.8	-7264	-4.33	-6,987	-6.47	-2.14
107	Dallas Cnty	R	171,872	123,986	108,045	57.9	15.6	28.9	-13.4	53.8	4235	2.53	63	0.06	-2.47
113	Dallas Cnty	R	171,418	120,834	106,040	53.5	15.3	26.0	-10.8	58.6	3781	2.26	-1,942	-1.80	-4.05
111	Dallas Cnty	D	166,963	118,393	103,410	24.2	15.1	25.5	-10.3	59.4	-674	-0.40	-4,572	-4.23	-3.83
55	Central Texas	R	162,176	119,755	116,635	64.4	14.9	19.4	-4.5	76.8	-5461	-3.26	8,653	8.01	11.27
27	Houston Suburbs	D	160,084	113,596	104,295	26.2	14.8	19.7	-4.8	75.4	-7553	-4.51	-3,687	-3.41	1.09
112	Dallas Cnty	R	167,051	120,192	97,965	54.9	14.8	26.3	-11.5	56.4	-586	-0.35	-10,017	-9.28	-8.93
93	Tarrant Cnty	R	162,161	113,584	103,455	64.1	14.8	22.8	-8.0	65.0	-5476	-3.27	-4,527	-4.19	-0.93
99	Tarrant Cnty	R	170,473	125,722	116,830	74.7	14.7	20.1	-5.4	73.1	2836	1.69	8,848	8.19	6.50
49	Austin Area	D	167,309	144,371	130,085	73.1	14.3	21.6	-7.3	66.2	-328	-0.20	22,103	20.47	20.66
14	Central Texas	R	163,187	131,479	114,485	68.6	14.1	21.0	-6.9	67.2	-4450	-2.65	6,503	6.02	8.68
108	Dallas Cnty	R	163,233	133,667	122,505	74.3	13.6	19.5	-6.0	69.4	-4404	-2.63	14,523	13.45	16.08
129	Houston	R	174,127	130,457	121,280	62.9	13.6	20.4	-6.8	66.5	6490	3.87	13,298	12.32	8.44
10	DFW Suburbs	R	163,063	116,978	111,680	75.6	13.1	18.7	-5.5	70.4	-4574	-2.73	3,698	3.42	6.15
95	Tarrant Cnty	D	161,634	115,752	96,150	32.9	12.9	24.3	-11.4	53.0	-6003	-3.58	-11,832	-10.96	-7.38
136	Austin Area	R	164,376	116,361	113,740	72.8	12.9	16.3	-3.4	79.1	-3261	-1.95	5,758	5.33	7.28
68	West Texas	R	160,508	121,547	112,760	80.9	12.8	18.5	-5.7	69.1	-7129	-4.25	4,778	4.42	8.68
127	Houston	R	163,983	115,865	114,290	67.1	12.4	18.1	-5.7	68.6	-3654	-2.18	6,308	5.84	8.02
56	Central Texas	R	163,869	123,411	117,985	72.6	12.4	17.8	-5.4	69.7	-3768	-2.25	10,003	9.26	11.51
150	Houston	R	168,735	120,462	109,725	66.0	12.3	21.0	-8.7	58.7	1098	0.65	1,743	1.61	0.96
47	Austin Area	R	175,314	127,689	125,095	80.3	12.3	12.6	-0.3	97.7	7677	4.58	17,113	15.85	11.27
12	Central Texas	R	160,573	119,556	111,590	64.4	11.8	19.5	-7.7	60.6	-7064	-4.21	3,608	3.34	7.56
26	Houston Suburbs	R	160,091	117,247	97,320	52.2	11.6	14.9	-3.3	77.8	-7546	-4.50	-10,662	-9.87	-5.37
130	Houston	R	175,532	122,108	119,770	71.6	11.6	17.7	-6.2	65.3	7895	4.71	11,788	10.92	6.21
109	Dallas Cnty	D	174,223	122,347	112,780	23.4	11.4	20.0	-8.6	57.0	6586	3.93	4,798	4.44	0.51
59	Central Texas	R	163,609	122,193	118,030	75.9	11.4	15.6	-4.2	73.1	-4028	-2.40	10,048	9.31	11.71
24	Houston Suburbs	R	162,685	118,491	118,260	74.8	11.3	15.6	-4.3	72.3	-4952	-2.95	10,278	9.52	12.47
102	Dallas Cnty	R	161,136	122,520	96,850	65.0	11.3	24.1	-12.8	46.8	-6501	-3.88	-11,132	-10.31	-6.43
146	Houston	D	174,485	130,444	97,195	24.7	11.2	27.3	-16.1	41.0	6848	4.09	-10,787	-9.99	-14.07
114	Dallas Cnty	R	172,330	130,817	105,540	68.2	11.0	24.2	-13.2	45.6	4693	2.80	-2,442	-2.26	-5.06
134	Houston	R	174,421	143,575	130,040	74.7	11.0	13.3	-2.3	82.6	6784	4.05	22,058	20.43	16.38
91	Tarrant Cnty	R	162,838	119,048	108,845	75.9	10.9	18.2	-7.2	60.2	-4799	-2.86	863	0.80	3.66
20	Central Texas	R	159,816	121,754	115,395	82.8	10.3	16.6	-6.2	62.4	-7821	-4.67	7,413	6.87	11.53
94	Tarrant Cnty	R	167,374	125,516	114,195	69.8	10.2	15.3	-5.2	66.3	-263	-0.16	6,213	5.75	5.91
64	DFW Suburbs	R	167,588	129,175	116,875	75.0	10.1	16.6	-6.5	60.8	-49	-0.03	8,893	8.24	8.26
96	Tarrant Cnty	R	164,930	113,924	109,035	65.5	10.1	15.2	-5.1	66.5	-2707	-1.61	1,053	0.98	2.59
70	DFW Suburbs	R	172,135	117,432	110,995	75.3	10.0	15.9	-5.9	62.9	4498	2.68	3,013	2.79	0.11
97	Tarrant Cnty	R	168,869	131,311	122,870	70.5	9.8	15.7	-5.9	62.3	1232	0.73	14,888	13.79	13.05
65	DFW Suburbs	R	165,742	124,977	109,350	62.3	9.8	18.6	-8.8	52.5	-1895	-1.13	1,368	1.27	2.40
69	West Texas	R	160,087	123,063	117,450	77.2	9.7	12.9	-3.2	75.3	-7550	-4.50	9,468	8.77	13.27
3	Houston Suburbs	R	164,955	119,595	109,760	75.4	9.7	20.0	-10.3	48.5	-2682	-1.60	1,778	1.65	3.25

Table 4 - Page 3 of 4

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
Dist	Area of State	Party	Total	VAP	CVAP	PCT Anglo	PCT HCVAP	PCT HVAP	%HVAP - %HCVAP	%HCVAP/ %HVAP	TPOP Deviation	%TPOP Deviation	CVAP Deviation	% CVAP Deviation	% CVAP Dev - % TPOP Dev
92	Tarrant Cnty	R	162,326	126,290	116,980	70.3	9.6	14.5	-4.9	66.1	-5311	-3.17	8,998	8.33	11.50
133	Houston	R	171,401	135,423	114,530	70.2	9.5	14.7	-5.2	64.6	3764	2.25	6,548	6.06	3.82
13	Central Texas	R	170,617	131,129	123,515	75.2	9.5	15.9	-6.4	59.7	2980	1.78	15,533	14.38	12.61
16	Houston Suburbs	R	166,647	122,271	108,180	80.7	9.3	21.1	-11.8	44.2	-990	-0.59	198	0.18	0.77
60	West Texas	R	171,429	131,870	127,825	86.9	9.2	11.8	-2.6	78.0	3792	2.26	19,843	18.38	16.11
89	DFW Suburbs	R	172,138	118,380	116,895	72.4	8.9	13.0	-4.2	68.0	4501	2.68	8,913	8.25	5.57
106	DFW Suburbs	R	161,947	110,568	107,290	76.1	8.8	14.7	-5.9	60.1	-5690	-3.39	-692	-0.64	2.75
8	Central Texas	R	161,098	123,550	114,450	72.1	8.8	15.4	-6.6	57.0	-6539	-3.90	6,468	5.99	9.89
58	Central Texas	R	169,146	123,826	118,105	84.2	8.7	14.9	-6.1	58.8	1509	0.90	10,123	9.37	8.47
33	DFW Suburbs	R	172,135	119,518	115,655	77.9	8.5	13.5	-4.9	63.5	4498	2.68	7,673	7.11	4.42
18	Southeast TX	R	169,888	132,877	126,560	71.3	8.1	14.2	-6.1	57.0	2251	1.34	18,578	17.20	15.86
63	DFW Suburbs	R	167,337	115,634	113,605	80.8	8.0	13.1	-5.1	61.2	-300	-0.18	5,623	5.21	5.39
22	Southeast TX	D	161,930	122,897	115,525	37.0	7.7	15.7	-8.0	49.0	-5707	-3.40	7,543	6.99	10.39
67	DFW Suburbs	R	172,141	126,368	111,250	70.1	7.5	13.9	-6.4	54.0	4504	2.69	3,268	3.03	0.34
15	Houston Suburbs	R	167,349	120,450	116,690	81.8	7.4	13.5	-6.1	55.0	-288	-0.17	8,708	8.06	8.24
57	Southeast TX	R	164,418	124,630	118,140	72.8	7.2	13.0	-5.8	55.5	-3219	-1.92	10,158	9.41	11.33
98	Tarrant Cnty	R	164,081	114,953	114,875	83.7	6.7	9.8	-3.1	68.8	-3556	-2.12	6,893	6.38	8.50
6	Northeast TX	R	160,008	119,154	109,970	70.1	6.5	14.9	-8.3	44.0	-7629	-4.55	1,988	1.84	6.39
4	DFW Suburbs	R	168,429	123,603	117,715	81.5	6.3	11.7	-5.4	53.6	792	0.47	9,733	9.01	8.54
61	DFW Suburbs	R	176,054	130,782	128,065	88.5	6.0	10.6	-4.6	56.9	8417	5.02	20,083	18.60	13.58
66	DFW Suburbs	R	172,129	130,796	113,390	69.7	6.0	9.1	-3.1	65.8	4492	2.68	5,408	5.01	2.33
11	Northeast TX	R	168,699	128,086	118,640	72.2	5.7	13.9	-8.3	40.6	1062	0.63	10,658	9.87	9.24
2	Northeast TX	R	173,869	130,806	124,825	85.1	5.5	10.0	-4.5	55.2	6232	3.72	16,843	15.60	11.88
5	Northeast TX	R	160,253	120,169	112,555	78.8	5.2	13.2	-7.9	39.8	-7384	-4.40	4,573	4.23	8.64
21	Southeast TX	R	172,180	130,308	121,365	82.0	5.2	9.3	-4.1	55.7	4543	2.71	13,383	12.39	9.68
62	Northeast TX	R	160,023	122,203	117,530	85.0	4.2	8.6	-4.4	49.0	-7614	-4.54	9,548	8.84	13.38
7	Northeast TX	R	161,039	120,296	112,255	74.7	3.9	11.2	-7.3	34.9	-6598	-3.94	4,273	3.96	7.89
19	Southeast TX	R	171,969	131,682	128,705	82.5	3.7	6.3	-2.6	58.3	4332	2.58	20,723	19.19	16.61
1	Northeast TX	R	165,823	125,927	122,470	75.1	3.1	5.8	-2.7	53.5	-1814	-1.08	14,488	13.42	14.50
9	Northeast TX	R	166,719	125,947	121,420	75.8	2.5	6.9	-4.4	35.8	-918	-0.55	13,438	12.44	12.99

459.56

Average Deviation (115 Districts)

4.00

Note: The Ideal CVAP Population is 107,982. The ideal TPOP Deviation is 167,637.

Source is Texas Legislative Council at <ftp://ftpgis1.tlc.state.tx.us/PlanH358/Reports/Excel/>

Note: CVAP data is from 2010 ACS (2005 through 2009)

TABLE 5  
STATE OF TEXAS  
STATE HOUSE OF REPRESENTATIVES  
83rd Legislature - 1st Called Session - S.B. 3 (June 2013)  
Citizen Voting Age Population Analysis Using American Community Survey  
Sorted and Summed by Region

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
Dist	Area of State	Party	Total	VAP	CVAP	PCT Anglo	PCT HCVAP	PCT HVAP	%HVAP - %HCVAP	%HCVAP/ %HVAP	TPOP Deviation	%TPOP Deviation	CVAP Deviation	% CVAP Deviation	% CVAP Dev - % TPOP Dev
45	Austin Area	R	167,604	126,549	124,330	66.7	25.5	30.0	-4.6	84.8	-33	-0.02	16,348	15.14	15.16
46	Austin Area	D	166,410	118,539	94,335	41.6	24.6	41.6	-16.9	59.3	-1227	-0.73	-13,647	-12.64	-11.91
47	Austin Area	R	175,314	127,689	125,095	80.3	12.3	12.6	-0.3	97.7	7677	4.58	17,113	15.85	11.27
48	Austin Area	D	173,008	135,585	127,810	74.4	16.7	20.4	-3.7	81.9	5371	3.20	19,828	18.36	15.16
49	Austin Area	D	167,309	144,371	130,085	73.1	14.3	21.6	-7.3	66.2	-328	-0.20	22,103	20.47	20.66
50	Austin Area	D	166,516	124,252	110,735	57.5	17.7	25.3	-7.6	69.9	-1121	-0.67	2,753	2.55	3.22
51	Austin Area	D	175,709	128,793	98,320	41.5	44.0	56.2	-12.2	78.3	8072	4.82	-9,662	-8.95	-13.76
52	Austin Area	R	165,994	114,146	111,445	62.8	19.6	26.7	-7.1	73.5	-1643	-0.98	3,463	3.21	4.19
136	Austin Area	R	164,376	116,361	113,740	72.8	12.9	16.3	-3.4	79.1	-3261	-1.95	5,758	5.33	7.28

Average Deviation (9 Districts) 59.32  
6.59

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
Dist	Area of State	Party	Total	VAP	CVAP	PCT Anglo	PCT HCVAP	PCT HVAP	%HVAP - %HCVAP	%HCVAP/ %HVAP	TPOP Deviation	%TPOP Deviation	CVAP Deviation	% CVAP Deviation	% CVAP Dev - % TPOP Dev
73	Bexar	R	166,719	127,882	126,130	79.7	16.6	19.8	-3.3	83.6	-918	-0.55	18,148	16.81	17.35
116	Bexar	D	171,463	132,823	115,470	32.3	57.1	59.9	-2.8	95.3	3826	2.28	7,488	6.93	4.65
117	Bexar	R	168,692	117,126	111,045	32.3	60.9	58.8	2.1	103.6	1055	0.63	3,063	2.84	2.21
118	Bexar	D	164,436	116,859	106,575	28.1	67.1	68.7	-1.6	97.6	-3201	-1.91	-1,407	-1.30	0.61
119	Bexar	D	159,981	114,477	106,465	28.5	58.3	62.7	-4.4	93.0	-7656	-4.57	-1,517	-1.40	3.16
120	Bexar	D	175,132	124,829	114,810	30.6	34.1	42.2	-8.1	80.9	7495	4.47	6,828	6.32	1.85
121	Bexar	R	174,867	133,224	128,905	61.0	26.7	31.4	-4.6	85.2	7230	4.31	20,923	19.38	15.06
122	Bexar	R	175,184	128,725	124,270	64.8	23.4	27.8	-4.3	84.4	7547	4.50	16,288	15.08	10.58
123	Bexar	D	175,674	135,763	119,930	30.6	62.3	66.5	-4.2	93.7	8037	4.79	11,948	11.06	6.27
124	Bexar	D	174,795	120,503	115,090	24.8	62.4	66.0	-3.6	94.6	7158	4.27	7,108	6.58	2.31
125	Bexar	D	174,549	125,158	115,800	26.3	64.3	69.1	-4.8	93.1	6912	4.12	7,818	7.24	3.12

Average Deviation (11 Districts) 89.54  
8.14

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
Dist	Area of State	Party	Total	VAP	CVAP	PCT Anglo	PCT HCVAP	PCT HVAP	%HVAP - %HCVAP	%HCVAP/ %HVAP	TPOP Deviation	%TPOP Deviation	CVAP Deviation	% CVAP Deviation	% CVAP Dev - % TPOP Dev
8	Central Texas	R	161,098	123,550	114,450	72.1	8.8	15.4	-6.6	57.0	-6539	-3.90	6,468	5.99	9.89
12	Central Texas	R	160,573	119,556	111,590	64.4	11.8	19.5	-7.7	60.6	-7064	-4.21	3,608	3.34	7.56
13	Central Texas	R	170,617	131,129	123,515	75.2	9.5	15.9	-6.4	59.7	2980	1.78	15,533	14.38	12.61
14	Central Texas	R	163,187	131,479	114,485	68.6	14.1	21.0	-6.9	67.2	-4450	-2.65	6,503	6.02	8.68
17	Central Texas	R	163,480	121,295	112,125	61.1	27.0	33.4	-6.4	80.9	-4157	-2.48	4,143	3.84	6.32
20	Central Texas	R	159,816	121,754	115,395	82.8	10.3	16.6	-6.2	62.4	-7821	-4.67	7,413	6.87	11.53
30	Central Texas	R	166,022	124,729	121,220	59.0	31.8	35.2	-3.4	90.4	-1615	-0.96	13,238	12.26	13.22
44	Central Texas	R	174,451	126,713	125,720	60.9	29.7	32.7	-3.0	90.9	6814	4.06	17,738	16.43	12.36
54	Central Texas	R	167,736	117,164	112,385	51.6	15.8	17.6	-1.9	89.5	99	0.06	4,403	4.08	4.02
55	Central Texas	R	162,176	119,755	116,635	64.4	14.9	19.4	-4.5	76.8	-5461	-3.26	8,653	8.01	11.27
56	Central Texas	R	163,869	123,411	117,985	72.6	12.4	17.8	-5.4	69.7	-3768	-2.25	10,003	9.26	11.51
58	Central Texas	R	169,146	123,826	118,105	84.2	8.7	14.9	-6.1	58.8	1509	0.90	10,123	9.37	8.47
59	Central Texas	R	163,609	122,193	118,030	75.9	11.4	15.6	-4.2	73.1	-4028	-2.40	10,048	9.31	11.71

Average Deviation (13 Districts) 109.16  
8.40

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
Dist	Area of State	Party	Total	VAP	CVAP	PCT Anglo	PCT HCVAP	PCT HVAP	%HVAP - %HCVAP	%HCVAP/ %HVAP	TPOP Deviation	%TPOP Deviation	CVAP Deviation	% CVAP Deviation	% CVAP Dev - % TPOP Dev
100	Dallas Cnty	D	161,143	117,479	97,410	29.8	18.3	33.1	-14.8	55.2	-6494	-3.87	-10,572	-9.79	-5.92
102	Dallas Cnty	R	161,136	122,520	96,850	65.0	11.3	24.1	-12.8	46.8	-6501	-3.88	-11,132	-10.31	-6.43
103	Dallas Cnty	D	170,948	121,837	71,970	39.0	42.7	64.3	-21.7	66.3	3311	1.98	-36,012	-33.35	-35.33
104	Dallas Cnty	D	172,784	115,035	78,780	25.3	51.7	69.2	-17.5	74.7	5147	3.07	-29,202	-27.04	-30.11
105	Dallas Cnty	R	175,728	127,590	95,900	51.1	24.1	39.2	-15.1	61.4	8091	4.83	-12,082	-11.19	-16.02
107	Dallas Cnty	R	171,872	123,986	108,045	57.9	15.6	28.9	-13.4	53.8	4235	2.53	63	0.06	-2.47
108	Dallas Cnty	R	163,233	133,667	122,505	74.3	13.6	19.5	-6.0	69.4	-4404	-2.63	14,523	13.45	16.08
109	Dallas Cnty	D	174,223	122,347	112,780	23.4	11.4	20.0	-8.6	57.0	6586	3.93	4,798	4.44	0.51
110	Dallas Cnty	D	167,508	111,827	83,885	14.6	24.9	45.5	-20.6	54.7	-129	-0.08	-24,097	-22.32	-22.24
111	Dallas Cnty	D	166,963	118,393	103,410	24.2	15.1	25.5	-10.3	59.4	-674	-0.40	-4,572	-4.23	-3.83
112	Dallas Cnty	R	167,051	120,192	97,965	54.9	14.8	26.3	-11.5	56.4	-586	-0.35	-10,017	-9.28	-8.93
113	Dallas Cnty	R	171,418	120,834	106,040	53.5	15.3	26.0	-10.8	58.6	3781	2.26	-1,942	-1.80	-4.05
114	Dallas Cnty	R	172,330	130,817	105,540	68.2	11.0	24.2	-13.2	45.6	4693	2.80	-2,442	-2.26	-5.06
115	Dallas Cnty	R	171,802	127,352	100,760	58.5	16.7	24.4	-7.8	68.2	4165	2.48	-7,222	-6.69	-9.17

Average Deviation (14 Districts) -120.31  
-8.59

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
Dist	Area of State	Party	Total	VAP	CVAP	PCT Anglo	PCT HCVAP	PCT HVAP	%HVAP - %HCVAP	%HCVAP/ %HVAP	TPOP Deviation	%TPOP Deviation	CVAP Deviation	% CVAP Deviation	% CVAP Dev - % TPOP Dev
4	DFW Suburbs	R	168,429	123,603	117,715	81.5	6.3	11.7	-5.4	53.6	792	0.47	9,733	9.01	8.54
10	DFW Suburbs	R	163,063	116,978	111,680	75.6	13.1	18.7	-5.5	70.4	-4574	-2.73	3,698	3.42	6.15
33	DFW Suburbs	R	172,135	119,518	115,655	77.9	8.5	13.5	-4.9	63.5	4498	2.68	7,673	7.11	4.42
61	DFW Suburbs	R	176,054	130,782	128,065	88.5	6.0	10.6	-4.6	56.9	8417	5.02	20,083	18.60	13.58
63	DFW Suburbs	R	167,337	115,634	113,605	80.8	8.0	13.1	-5.1	61.2	-300	-0.18	5,623	5.21	5.39
64	DFW Suburbs	R	167,588	129,175	116,875	75.0	10.1	16.6	-6.5	60.8	-49	-0.03	8,893	8.24	8.26
65	DFW Suburbs	R	165,742	124,977	109,350	62.3	9.8	18.6	-8.8	52.5	-1895	-1.13	1,368	1.27	2.40
66	DFW Suburbs	R	172,129	130,796	113,390	69.7	6.0	9.1	-3.1	65.8	4492	2.68	5,408	5.01	2.33
67	DFW Suburbs	R	172,141	126,368	111,250	70.1	7.5	13.9	-6.4	54.0	4504	2.69	3,268	3.03	0.34
70	DFW Suburbs	R	172,135	117,432	110,995	75.3	10.0	15.9	-5.9	62.9	4498	2.68	3,013	2.79	0.11
89	DFW Suburbs	R	172,138	118,380	116,895	72.4	8.9	13.0	-4.2	68.0	4501	2.68	8,913	8.25	5.57
106	DFW Suburbs	R	161,947	110,568	107,290	76.1	8.8	14.7	-5.9	60.1	-5690	-3.39	-692	-0.64	2.75

Average Deviation (12 Districts) 71.29  
5.94

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
Dist	Area of State	Party	Total	VAP	CVAP	PCT Anglo	PCT HCVAP	PCT HVAP	%HVAP - %HCVAP	%HCVAP/ %HVAP	TPOP Deviation	%TPOP Deviation	CVAP Deviation	% CVAP Deviation	% CVAP Dev - % TPOP Dev
75	El Paso	D	159,691	103,209	77,455	8.9	89.0	91.8	-2.8	97.0	-7946	-4.74	-30,527	-28.27	-23.53
76	El Paso	D	159,752	116,389	94,705	11.2	83.5	87.3	-3.7	95.7	-7885	-4.70	-13,277	-12.30	-7.59
77	El Paso	D	160,385	115,924	90,830	22.9	69.6	76.0	-6.4	91.6	-7252	-4.33	-17,152	-15.88	-11.56
78	El Paso	D	160,161	111,913	98,925	31.6	58.3	64.7	-6.4	90.0	-7476	-4.46	-9,057	-8.39	-3.93
79	El Paso	D	160,658	112,399	98,435	17.0	76.7	79.9	-3.2	96.0	-6979	-4.16	-9,547	-8.84	-4.68

Average Deviation (5 Districts) -73.68  
-14.74



A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
Dist	Area of State	Party	Total	VAP	CVAP	PCT Anglo	PCT HCVAP	PCT HVAP	%HVAP - %HCVAP	%HCVAP/ %HVAP	TPOP Deviation	%TPOP Deviation	CVAP Deviation	% CVAP Deviation	% CVAP Dev - % TPOP Dev
126	Harris Cnty	R	169,256	123,014	99,335	51.8	17.0	26.8	-9.9	63.2	1619	0.97	-8,647	-8.01	-8.97
127	Harris Cnty	R	163,983	115,865	114,290	67.1	12.4	18.1	-5.7	68.6	-3654	-2.18	6,308	5.84	8.02
128	Harris Cnty	R	172,221	124,645	116,020	66.4	17.1	25.0	-7.9	68.5	4584	2.73	8,038	7.44	4.71
129	Harris Cnty	R	174,127	130,457	121,280	62.9	13.6	20.4	-6.8	66.5	6490	3.87	13,298	12.32	8.44
130	Harris Cnty	R	175,532	122,108	119,770	71.6	11.6	17.7	-6.2	65.3	7895	4.71	11,788	10.92	6.21
131	Harris Cnty	D	175,227	121,368	93,535	13.2	24.0	41.2	-17.2	58.3	7590	4.53	-14,447	-13.38	-17.91
132	Harris Cnty	R	172,973	117,666	109,150	52.4	20.6	33.0	-12.4	62.5	5336	3.18	1,168	1.08	-2.10
133	Harris Cnty	R	171,401	135,423	114,530	70.2	9.5	14.7	-5.2	64.6	3764	2.25	6,548	6.06	3.82
134	Harris Cnty	R	174,421	143,575	130,040	74.7	11.0	13.3	-2.3	82.6	6784	4.05	22,058	20.43	16.38
135	Harris Cnty	R	172,422	121,136	99,750	50.0	18.2	28.5	-10.3	64.0	4785	2.85	-8,232	-7.62	-10.48
137	Harris Cnty	D	171,079	127,834	64,375	32.5	22.0	51.5	-29.6	42.6	3442	2.05	-43,607	-40.38	-42.44
138	Harris Cnty	R	173,059	124,435	98,420	50.3	22.3	41.3	-19.0	54.0	5422	3.23	-9,562	-8.86	-12.09
139	Harris Cnty	D	175,733	123,875	100,540	21.6	19.0	35.8	-16.7	53.2	8096	4.83	-7,442	-6.89	-11.72
140	Harris Cnty	D	170,732	112,332	69,415	17.2	58.5	75.8	-17.2	77.3	3095	1.85	-38,567	-35.72	-37.56
141	Harris Cnty	D	166,498	113,951	92,390	13.5	18.2	37.6	-19.4	48.4	-1139	-0.68	-15,592	-14.44	-13.76
142	Harris Cnty	D	159,541	113,288	91,845	20.3	21.3	35.0	-13.7	60.8	-8096	-4.83	-16,137	-14.94	-10.11
143	Harris Cnty	D	167,215	113,877	84,625	23.7	53.0	69.4	-16.4	76.4	-422	-0.25	-23,357	-21.63	-21.38
144	Harris Cnty	D	161,859	108,509	75,785	34.9	50.3	69.8	-19.5	72.1	-5778	-3.45	-32,197	-29.82	-26.37
145	Harris Cnty	D	164,574	116,918	83,645	28.4	55.6	69.8	-14.2	79.7	-3063	-1.83	-24,337	-22.54	-20.71
146	Harris Cnty	D	174,485	130,444	97,195	24.7	11.2	27.3	-16.1	41.0	6848	4.09	-10,787	-9.99	-14.07
147	Harris Cnty	D	175,873	136,034	114,905	28.9	18.4	31.2	-12.8	59.0	8236	4.91	6,923	6.41	1.50
148	Harris Cnty	D	170,811	125,873	91,615	40.1	43.5	61.1	-17.6	71.2	3174	1.89	-16,367	-15.16	-17.05
149	Harris Cnty	D	170,702	121,535	89,230	27.0	19.1	33.8	-14.7	56.6	3065	1.83	-18,752	-17.37	-19.19
150	Harris Cnty	R	168,735	120,462	109,725	66.0	12.3	21.0	-8.7	58.7	1098	0.65	1,743	1.61	0.96
Average Deviation (24 Districts)														-194.62	-8.11

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
Dist	Area of State	Party	Total	VAP	CVAP	PCT Anglo	PCT HCVAP	PCT HVAP	%HVAP - %HCVAP	%HCVAP/ %HVAP	TPOP Deviation	%TPOP Deviation	CVAP Deviation	% CVAP Deviation	% CVAP Dev - % TPOP Dev
3	Houston Suburbs	R	164,955	119,595	109,760	75.4	9.7	20.0	-10.3	48.5	-2682	-1.60	1,778	1.65	3.25
15	Houston Suburbs	R	167,349	120,450	116,690	81.8	7.4	13.5	-6.1	55.0	-288	-0.17	8,708	8.06	8.24
16	Houston Suburbs	R	166,647	122,271	108,180	80.7	9.3	21.1	-11.8	44.2	-990	-0.59	198	0.18	0.77
23	Houston Suburbs	R	163,720	123,736	111,960	59.8	16.6	22.7	-6.1	73.2	-3917	-2.34	3,978	3.68	6.02
24	Houston Suburbs	R	162,685	118,491	118,260	74.8	11.3	15.6	-4.3	72.3	-4952	-2.95	10,278	9.52	12.47
25	Houston Suburbs	R	174,168	129,041	121,250	62.4	20.8	27.4	-6.6	75.9	6531	3.90	13,268	12.29	8.39
26	Houston Suburbs	R	160,091	117,247	97,320	52.2	11.6	14.9	-3.3	77.8	-7546	-4.50	-10,662	-9.87	-5.37
27	Houston Suburbs	D	160,084	113,596	104,295	26.2	14.8	19.7	-4.8	75.4	-7553	-4.51	-3,687	-3.41	1.09
28	Houston Suburbs	R	160,373	107,968	100,995	53.3	15.6	20.6	-5.0	75.8	-7264	-4.33	-6,987	-6.47	-2.14
29	Houston Suburbs	R	175,700	124,171	116,165	57.5	17.4	23.2	-5.8	74.9	8063	4.81	8,183	7.58	2.77
85	Houston Suburbs	R	160,182	113,433	102,620	48.3	27.5	35.1	-7.6	78.5	-7455	-4.45	-5,362	-4.97	-0.52

Average Deviation (11 Districts) 18.24  
1.66

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
Dist	Area of State	Party	Total	VAP	CVAP	PCT Anglo	PCT HCVAP	PCT HVAP	%HVAP - %HCVAP	%HCVAP/ %HVAP	TPOP Deviation	%TPOP Deviation	CVAP Deviation	% CVAP Deviation	% CVAP Dev - % TPOP Dev
1	Northeast TX	R	165,823	125,927	122,470	75.1	3.1	5.8	-2.7	53.5	-1814	-1.08	14,488	13.42	14.50
2	Northeast TX	R	173,869	130,806	124,825	85.1	5.5	10.0	-4.5	55.2	6232	3.72	16,843	15.60	11.88
5	Northeast TX	R	160,253	120,169	112,555	78.8	5.2	13.2	-7.9	39.8	-7384	-4.40	4,573	4.23	8.64
6	Northeast TX	R	160,008	119,154	109,970	70.1	6.5	14.9	-8.3	44.0	-7629	-4.55	1,988	1.84	6.39
7	Northeast TX	R	161,039	120,296	112,255	74.7	3.9	11.2	-7.3	34.9	-6598	-3.94	4,273	3.96	7.89
9	Northeast TX	R	166,719	125,947	121,420	75.8	2.5	6.9	-4.4	35.8	-918	-0.55	13,438	12.44	12.99
11	Northeast TX	R	168,699	128,086	118,640	72.2	5.7	13.9	-8.3	40.6	1062	0.63	10,658	9.87	9.24
62	Northeast TX	R	160,023	122,203	117,530	85.0	4.2	8.6	-4.4	49.0	-7614	-4.54	9,548	8.84	13.38

Average Deviation (8 Districts) 70.21  
8.78

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
Dist	Area of State	Party	Total	VAP	CVAP	PCT Anglo	PCT HCVAP	PCT HVAP	%HVAP - %HCVAP	%HCVAP/ %HVAP	TPOP Deviation	%TPOP Deviation	CVAP Deviation	% CVAP Deviation	% CVAP Dev - % TPOP Dev
31	S Tex RG Valley	D	171,858	121,699	104,285	23.1	73.9	77.7	-3.8	95.1	4221	2.52	-3,697	-3.42	-5.94
32	S Tex RG Valley	R	167,074	126,072	124,080	46.8	44.2	45.9	-1.6	96.5	-563	-0.34	16,098	14.91	15.24
34	S Tex RG Valley	D	173,149	125,896	117,465	28.0	64.6	67.7	-3.1	95.4	5512	3.29	9,483	8.78	5.49
35	S Tex RG Valley	D	168,627	109,154	77,585	18.6	78.9	85.1	-6.2	92.7	990	0.59	-30,397	-28.15	-28.74
36	S Tex RG Valley	D	168,963	110,963	76,060	11.9	86.0	90.8	-4.8	94.7	1326	0.79	-31,922	-29.56	-30.35
37	S Tex RG Valley	D	169,088	113,454	78,885	15.5	81.5	87.1	-5.6	93.6	1451	0.87	-29,097	-26.95	-27.81
38	S Tex RG Valley	D	168,214	110,865	92,195	13.5	80.2	86.7	-6.4	92.6	577	0.34	-15,787	-14.62	-14.96
39	S Tex RG Valley	D	168,659	110,751	85,015	14.6	78.9	88.0	-9.1	89.7	1022	0.61	-22,967	-21.27	-21.88
40	S Tex RG Valley	D	168,662	108,086	79,875	8.2	88.4	92.1	-3.8	95.9	1025	0.61	-28,107	-26.03	-26.64
41	S Tex RG Valley	D	168,776	115,033	88,365	17.9	75.7	80.4	-4.6	94.2	1139	0.68	-19,617	-18.17	-18.85
42	S Tex RG Valley	D	167,668	111,699	84,125	5.4	91.2	95.0	-3.9	95.9	31	0.02	-23,857	-22.09	-22.11
43	S Tex RG Valley	R	169,564	124,492	120,575	35.8	57.7	59.8	-2.1	96.5	1927	1.15	12,593	11.66	10.51
74	S Tex RG Valley	D	162,357	115,236	91,345	24.6	69.4	76.6	-7.3	90.5	-5280	-3.15	-16,637	-15.41	-12.26
80	S Tex RG Valley	D	161,949	106,402	86,650	15.5	78.7	86.1	-7.4	91.4	-5688	-3.39	-21,332	-19.76	-16.36
Average Deviation (14 Districts)														-190.07	-13.58

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
Dist	Area of State	Party	Total	VAP	CVAP	PCT Anglo	PCT HCVAP	PCT HVAP	%HVAP - %HCVAP	%HCVAP/ %HVAP	TPOP Deviation	%TPOP Deviation	CVAP Deviation	% CVAP Deviation	% CVAP Dev - % TPOP Dev
18	Southeast TX	R	169,888	132,877	126,560	71.3	8.1	14.2	-6.1	57.0	2251	1.34	18,578	17.20	15.86
19	Southeast TX	R	171,969	131,682	128,705	82.5	3.7	6.3	-2.6	58.3	4332	2.58	20,723	19.19	16.61
21	Southeast TX	R	172,180	130,308	121,365	82.0	5.2	9.3	-4.1	55.7	4543	2.71	13,383	12.39	9.68
22	Southeast TX	D	161,930	122,897	115,525	37.0	7.7	15.7	-8.0	49.0	-5707	-3.40	7,543	6.99	10.39
57	Southeast TX	R	164,418	124,630	118,140	72.8	7.2	13.0	-5.8	55.5	-3219	-1.92	10,158	9.41	11.33
Average Deviation (5 Districts)														65.18	13.04

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
Dist	Area of State	Party	Total	VAP	CVAP	PCT Anglo	PCT HCVAP	PCT HVAP	%HVAP - %HCVAP	%HCVAP/ %HVAP	TPOP Deviation	%TPOP Deviation	CVAP Deviation	% CVAP Deviation	% CVAP Dev - % TPOP Dev
90	Tarrant Cnty	D	159,684	105,664	71,770	27.9	49.0	70.7	-21.7	69.3	-7953	-4.74	-36,212	-33.54	-28.79
91	Tarrant Cnty	R	162,838	119,048	108,845	75.9	10.9	18.2	-7.2	60.2	-4799	-2.86	863	0.80	3.66
92	Tarrant Cnty	R	162,326	126,290	116,980	70.3	9.6	14.5	-4.9	66.1	-5311	-3.17	8,998	8.33	11.50
93	Tarrant Cnty	R	162,161	113,584	103,455	64.1	14.8	22.8	-8.0	65.0	-5476	-3.27	-4,527	-4.19	-0.93
94	Tarrant Cnty	R	167,374	125,516	114,195	69.8	10.2	15.3	-5.2	66.3	-263	-0.16	6,213	5.75	5.91
95	Tarrant Cnty	D	161,634	115,752	96,150	32.9	12.9	24.3	-11.4	53.0	-6003	-3.58	-11,832	-10.96	-7.38
96	Tarrant Cnty	R	164,930	113,924	109,035	65.5	10.1	15.2	-5.1	66.5	-2707	-1.61	1,053	0.98	2.59
97	Tarrant Cnty	R	168,869	131,311	122,870	70.5	9.8	15.7	-5.9	62.3	1232	0.73	14,888	13.79	13.05
98	Tarrant Cnty	R	164,081	114,953	114,875	83.7	6.7	9.8	-3.1	68.8	-3556	-2.12	6,893	6.38	8.50
99	Tarrant Cnty	R	170,473	125,722	116,830	74.7	14.7	20.1	-5.4	73.1	2836	1.69	8,848	8.19	6.50
101	Tarrant Cnty	D	164,664	110,209	92,990	35.5	19.7	32.5	-12.8	60.6	-2973	-1.77	-14,992	-13.88	-12.11

Average Deviation (11 Districts) -18.34  
-1.67

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
Dist	Area of State	Party	Total	VAP	CVAP	PCT Anglo	PCT HCVAP	PCT HVAP	%HVAP - %HCVAP	%HCVAP/ %HVAP	TPOP Deviation	%TPOP Deviation	CVAP Deviation	% CVAP Deviation	% CVAP Dev - % TPOP Dev
53	West Texas	R	162,897	127,381	123,515	72.2	23.1	26.8	-3.7	86.3	-4740	-2.83	15,533	14.38	17.21
60	West Texas	R	171,429	131,870	127,825	86.9	9.2	11.8	-2.6	78.0	3792	2.26	19,843	18.38	16.11
68	West Texas	R	160,508	121,547	112,760	80.9	12.8	18.5	-5.7	69.1	-7129	-4.25	4,778	4.42	8.68
69	West Texas	R	160,087	123,063	117,450	77.2	9.7	12.9	-3.2	75.3	-7550	-4.50	9,468	8.77	13.27
71	West Texas	R	166,924	127,097	123,650	71.2	17.9	20.1	-2.1	89.4	-713	-0.43	15,668	14.51	14.94
72	West Texas	R	170,479	130,771	123,075	64.6	27.6	32.3	-4.8	85.3	2842	1.70	15,093	13.98	12.28
81	West Texas	R	169,684	120,535	108,980	51.8	39.0	46.9	-7.9	83.2	2047	1.22	998	0.92	-0.30
82	West Texas	R	163,234	118,623	113,415	59.3	28.6	35.2	-6.6	81.2	-4403	-2.63	5,433	5.03	7.66
83	West Texas	R	173,918	127,906	123,330	67.1	24.9	28.1	-3.2	88.8	6281	3.75	15,348	14.21	10.47
84	West Texas	R	167,970	128,898	124,075	58.7	28.0	30.2	-2.2	92.8	333	0.20	16,093	14.90	14.70
86	West Texas	R	165,183	121,555	115,915	76.4	16.5	22.3	-5.8	73.9	-2454	-1.46	7,933	7.35	8.81
87	West Texas	R	174,343	125,360	109,320	65.0	21.8	29.7	-7.9	73.3	6706	4.00	1,338	1.24	-2.76
88	West Texas	R	160,896	115,622	103,670	60.9	29.4	38.9	-9.5	75.7	-6741	-4.02	-4,312	-3.99	0.03

Average Deviation (13 Districts) 114.11  
8.78

Note: The Ideal CVAP Population is 107,982. The ideal TPOP Deviation is 167,637.

Source is Texas Legislative Council at <ftp://ftpgis1.tlc.state.tx.us/PlanH358/Reports/Excel/>

Note: CVAP data is from 2010 ACS (2005 through 2009)

**TABLE 6**  
**STATE OF TEXAS**  
**STATE HOUSE OF REPRESENTATIVES**  
**83rd Legislature - 1st Called Session - S.B. 3 (June 2013)**  
**Citizen Voting Age Population Analysis Using American Community Survey**  
**Sorted and Summed by Party**

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
Dist	Area of State	Party	Total	VAP	CVAP	PCT Anglo	PCT HCVAP	PCT HVAP	%HVAP - %HCVAP	%HCVAP/ %HVAP	TPOP Deviation	%TPOP Deviation	CVAP Deviation	% CVAP Deviation	% CVAP Dev - % TPOP Dev
1	Northeast TX	R	165,823	125,927	122,470	75.1	3.1	5.8	-2.7	53.5	-1814	-1.08	14,488	13.42	14.50
2	Northeast TX	R	173,869	130,806	124,825	85.1	5.5	10.0	-4.5	55.2	6232	3.72	16,843	15.60	11.88
3	Houston Suburbs	R	164,955	119,595	109,760	75.4	9.7	20.0	-10.3	48.5	-2682	-1.60	1,778	1.65	3.25
4	DFW Suburbs	R	168,429	123,603	117,715	81.5	6.3	11.7	-5.4	53.6	792	0.47	9,733	9.01	8.54
5	Northeast TX	R	160,253	120,169	112,555	78.8	5.2	13.2	-7.9	39.8	-7384	-4.40	4,573	4.23	8.64
6	Northeast TX	R	160,008	119,154	109,970	70.1	6.5	14.9	-8.3	44.0	-7629	-4.55	1,988	1.84	6.39
7	Northeast TX	R	161,039	120,296	112,255	74.7	3.9	11.2	-7.3	34.9	-6598	-3.94	4,273	3.96	7.89
8	Central Texas	R	161,098	123,550	114,450	72.1	8.8	15.4	-6.6	57.0	-6539	-3.90	6,468	5.99	9.89
9	Northeast TX	R	166,719	125,947	121,420	75.8	2.5	6.9	-4.4	35.8	-918	-0.55	13,438	12.44	12.99
10	DFW Suburbs	R	163,063	116,978	111,680	75.6	13.1	18.7	-5.5	70.4	-4574	-2.73	3,698	3.42	6.15
11	Northeast TX	R	168,699	128,086	118,640	72.2	5.7	13.9	-8.3	40.6	1062	0.63	10,658	9.87	9.24
12	Central Texas	R	160,573	119,556	111,590	64.4	11.8	19.5	-7.7	60.6	-7064	-4.21	3,608	3.34	7.56
13	Central Texas	R	170,617	131,129	123,515	75.2	9.5	15.9	-6.4	59.7	2980	1.78	15,533	14.38	12.61
14	Central Texas	R	163,187	131,479	114,485	68.6	14.1	21.0	-6.9	67.2	-4450	-2.65	6,503	6.02	8.68
15	Houston Suburbs	R	167,349	120,450	116,690	81.8	7.4	13.5	-6.1	55.0	-288	-0.17	8,708	8.06	8.24
16	Houston Suburbs	R	166,647	122,271	108,180	80.7	9.3	21.1	-11.8	44.2	-990	-0.59	198	0.18	0.77
17	Central Texas	R	163,480	121,295	112,125	61.1	27.0	33.4	-6.4	80.9	-4157	-2.48	4,143	3.84	6.32
18	Southeast TX	R	169,888	132,877	126,560	71.3	8.1	14.2	-6.1	57.0	2251	1.34	18,578	17.20	15.86
19	Southeast TX	R	171,969	131,682	128,705	82.5	3.7	6.3	-2.6	58.3	4332	2.58	20,723	19.19	16.61
20	Central Texas	R	159,816	121,754	115,395	82.8	10.3	16.6	-6.2	62.4	-7821	-4.67	7,413	6.87	11.53
21	Southeast TX	R	172,180	130,308	121,365	82.0	5.2	9.3	-4.1	55.7	4543	2.71	13,383	12.39	9.68
23	Houston Suburbs	R	163,720	123,736	111,960	59.8	16.6	22.7	-6.1	73.2	-3917	-2.34	3,978	3.68	6.02
24	Houston Suburbs	R	162,685	118,491	118,260	74.8	11.3	15.6	-4.3	72.3	-4952	-2.95	10,278	9.52	12.47
25	Houston Suburbs	R	174,168	129,041	121,250	62.4	20.8	27.4	-6.6	75.9	6531	3.90	13,268	12.29	8.39
26	Houston Suburbs	R	160,091	117,247	97,320	52.2	11.6	14.9	-3.3	77.8	-7546	-4.50	-10,662	-9.87	-5.37
28	Houston Suburbs	R	160,373	107,968	100,995	53.3	15.6	20.6	-5.0	75.8	-7264	-4.33	-6,987	-6.47	-2.14
29	Houston Suburbs	R	175,700	124,171	116,165	57.5	17.4	23.2	-5.8	74.9	8063	4.81	8,183	7.58	2.77
30	Central Texas	R	166,022	124,729	121,220	59.0	31.8	35.2	-3.4	90.4	-1615	-0.96	13,238	12.26	13.22
32	S Tex RG Valley	R	167,074	126,072	124,080	46.8	44.2	45.9	-1.6	96.5	-563	-0.34	16,098	14.91	15.24
33	DFW Suburbs	R	172,135	119,518	115,655	77.9	8.5	13.5	-4.9	63.5	4498	2.68	7,673	7.11	4.42
43	S Tex RG Valley	R	169,564	124,492	120,575	35.8	57.7	59.8	-2.1	96.5	1927	1.15	12,593	11.66	10.51
44	Central Texas	R	174,451	126,713	125,720	60.9	29.7	32.7	-3.0	90.9	6814	4.06	17,738	16.43	12.36
45	Austin Area	R	167,604	126,549	124,330	66.7	25.5	30.0	-4.6	84.8	-33	-0.02	16,348	15.14	15.16
47	Austin Area	R	175,314	127,689	125,095	80.3	12.3	12.6	-0.3	97.7	7677	4.58	17,113	15.85	11.27
52	Austin Area	R	165,994	114,146	111,445	62.8	19.6	26.7	-7.1	73.5	-1643	-0.98	3,463	3.21	4.19

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
Dist	Area of State	Party	Total	VAP	CVAP	PCT Anglo	PCT HCVAP	PCT HVAP	%HVAP - %HCVAP	%HCVAP/ %HVAP	TPOP Deviation	%TPOP Deviation	CVAP Deviation	% CVAP Deviation	% CVAP Dev - % TPOP Dev
53	West Texas	R	162,897	127,381	123,515	72.2	23.1	26.8	-3.7	86.3	-4740	-2.83	15,533	14.38	17.21
54	Central Texas	R	167,736	117,164	112,385	51.6	15.8	17.6	-1.9	89.5	99	0.06	4,403	4.08	4.02
55	Central Texas	R	162,176	119,755	116,635	64.4	14.9	19.4	-4.5	76.8	-5461	-3.26	8,653	8.01	11.27
56	Central Texas	R	163,869	123,411	117,985	72.6	12.4	17.8	-5.4	69.7	-3768	-2.25	10,003	9.26	11.51
57	Southeast TX	R	164,418	124,630	118,140	72.8	7.2	13.0	-5.8	55.5	-3219	-1.92	10,158	9.41	11.33
58	Central Texas	R	169,146	123,826	118,105	84.2	8.7	14.9	-6.1	58.8	1509	0.90	10,123	9.37	8.47
59	Central Texas	R	163,609	122,193	118,030	75.9	11.4	15.6	-4.2	73.1	-4028	-2.40	10,048	9.31	11.71
60	West Texas	R	171,429	131,870	127,825	86.9	9.2	11.8	-2.6	78.0	3792	2.26	19,843	18.38	16.11
61	DFW Suburbs	R	176,054	130,782	128,065	88.5	6.0	10.6	-4.6	56.9	8417	5.02	20,083	18.60	13.58
62	Northeast TX	R	160,023	122,203	117,530	85.0	4.2	8.6	-4.4	49.0	-7614	-4.54	9,548	8.84	13.38
63	DFW Suburbs	R	167,337	115,634	113,605	80.8	8.0	13.1	-5.1	61.2	-300	-0.18	5,623	5.21	5.39
64	DFW Suburbs	R	167,588	129,175	116,875	75.0	10.1	16.6	-6.5	60.8	-49	-0.03	8,893	8.24	8.26
65	DFW Suburbs	R	165,742	124,977	109,350	62.3	9.8	18.6	-8.8	52.5	-1895	-1.13	1,368	1.27	2.40
66	DFW Suburbs	R	172,129	130,796	113,390	69.7	6.0	9.1	-3.1	65.8	4492	2.68	5,408	5.01	2.33
67	DFW Suburbs	R	172,141	126,368	111,250	70.1	7.5	13.9	-6.4	54.0	4504	2.69	3,268	3.03	0.34
68	West Texas	R	160,508	121,547	112,760	80.9	12.8	18.5	-5.7	69.1	-7129	-4.25	4,778	4.42	8.68
69	West Texas	R	160,087	123,063	117,450	77.2	9.7	12.9	-3.2	75.3	-7550	-4.50	9,468	8.77	13.27
70	DFW Suburbs	R	172,135	117,432	110,995	75.3	10.0	15.9	-5.9	62.9	4498	2.68	3,013	2.79	0.11
71	West Texas	R	166,924	127,097	123,650	71.2	17.9	20.1	-2.1	89.4	-713	-0.43	15,668	14.51	14.94
72	West Texas	R	170,479	130,771	123,075	64.6	27.6	32.3	-4.8	85.3	2842	1.70	15,093	13.98	12.28
73	Bexar	R	166,719	127,882	126,130	79.7	16.6	19.8	-3.3	83.6	-918	-0.55	18,148	16.81	17.35
81	West Texas	R	169,684	120,535	108,980	51.8	39.0	46.9	-7.9	83.2	2047	1.22	998	0.92	-0.30
82	West Texas	R	163,234	118,623	113,415	59.3	28.6	35.2	-6.6	81.2	-4403	-2.63	5,433	5.03	7.66
83	West Texas	R	173,918	127,906	123,330	67.1	24.9	28.1	-3.2	88.8	6281	3.75	15,348	14.21	10.47
84	West Texas	R	167,970	128,898	124,075	58.7	28.0	30.2	-2.2	92.8	333	0.20	16,093	14.90	14.70
85	Houston Suburbs	R	160,182	113,433	102,620	48.3	27.5	35.1	-7.6	78.5	-7455	-4.45	-5,362	-4.97	-0.52
86	West Texas	R	165,183	121,555	115,915	76.4	16.5	22.3	-5.8	73.9	-2454	-1.46	7,933	7.35	8.81
87	West Texas	R	174,343	125,360	109,320	65.0	21.8	29.7	-7.9	73.3	6706	4.00	1,338	1.24	-2.76
88	West Texas	R	160,896	115,622	103,670	60.9	29.4	38.9	-9.5	75.7	-6741	-4.02	-4,312	-3.99	0.03
89	DFW Suburbs	R	172,138	118,380	116,895	72.4	8.9	13.0	-4.2	68.0	4501	2.68	8,913	8.25	5.57
91	Tarrant Cnty	R	162,838	119,048	108,845	75.9	10.9	18.2	-7.2	60.2	-4799	-2.86	863	0.80	3.66
92	Tarrant Cnty	R	162,326	126,290	116,980	70.3	9.6	14.5	-4.9	66.1	-5311	-3.17	8,998	8.33	11.50
93	Tarrant Cnty	R	162,161	113,584	103,455	64.1	14.8	22.8	-8.0	65.0	-5476	-3.27	-4,527	-4.19	-0.93
94	Tarrant Cnty	R	167,374	125,516	114,195	69.8	10.2	15.3	-5.2	66.3	-263	-0.16	6,213	5.75	5.91
96	Tarrant Cnty	R	164,930	113,924	109,035	65.5	10.1	15.2	-5.1	66.5	-2707	-1.61	1,053	0.98	2.59
97	Tarrant Cnty	R	168,869	131,311	122,870	70.5	9.8	15.7	-5.9	62.3	1232	0.73	14,888	13.79	13.05
98	Tarrant Cnty	R	164,081	114,953	114,875	83.7	6.7	9.8	-3.1	68.8	-3556	-2.12	6,893	6.38	8.50
99	Tarrant Cnty	R	170,473	125,722	116,830	74.7	14.7	20.1	-5.4	73.1	2836	1.69	8,848	8.19	6.50
102	Dallas Cnty	R	161,136	122,520	96,850	65.0	11.3	24.1	-12.8	46.8	-6501	-3.88	-11,132	-10.31	-6.43
105	Dallas Cnty	R	175,728	127,590	95,900	51.1	24.1	39.2	-15.1	61.4	8091	4.83	-12,082	-11.19	-16.02
106	DFW Suburbs	R	161,947	110,568	107,290	76.1	8.8	14.7	-5.9	60.1	-5690	-3.39	-692	-0.64	2.75
107	Dallas Cnty	R	171,872	123,986	108,045	57.9	15.6	28.9	-13.4	53.8	4235	2.53	63	0.06	-2.47

Table 6 - Page 2 of 4

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
Dist	Area of State	Party	Total	VAP	CVAP	PCT Anglo	PCT HCVAP	PCT HVAP	%HVAP - %HCVAP	%HCVAP/ %HVAP	TPOP Deviation	%TPOP Deviation	CVAP Deviation	% CVAP Deviation	% CVAP Dev - % TPOP Dev
108	Dallas Cnty	R	163,233	133,667	122,505	74.3	13.6	19.5	-6.0	69.4	-4404	-2.63	14,523	13.45	16.08
112	Dallas Cnty	R	167,051	120,192	97,965	54.9	14.8	26.3	-11.5	56.4	-586	-0.35	-10,017	-9.28	-8.93
113	Dallas Cnty	R	171,418	120,834	106,040	53.5	15.3	26.0	-10.8	58.6	3781	2.26	-1,942	-1.80	-4.05
114	Dallas Cnty	R	172,330	130,817	105,540	68.2	11.0	24.2	-13.2	45.6	4693	2.80	-2,442	-2.26	-5.06
115	Dallas Cnty	R	171,802	127,352	100,760	58.5	16.7	24.4	-7.8	68.2	4165	2.48	-7,222	-6.69	-9.17
117	Bexar	R	168,692	117,126	111,045	32.3	60.9	58.8	2.1	103.6	1055	0.63	3,063	2.84	2.21
121	Bexar	R	174,867	133,224	128,905	61.0	26.7	31.4	-4.6	85.2	7230	4.31	20,923	19.38	15.06
122	Bexar	R	175,184	128,725	124,270	64.8	23.4	27.8	-4.3	84.4	7547	4.50	16,288	15.08	10.58
126	Houston	R	169,256	123,014	99,335	51.8	17.0	26.8	-9.9	63.2	1619	0.97	-8,647	-8.01	-8.97
127	Houston	R	163,983	115,865	114,290	67.1	12.4	18.1	-5.7	68.6	-3654	-2.18	6,308	5.84	8.02
128	Houston	R	172,221	124,645	116,020	66.4	17.1	25.0	-7.9	68.5	4584	2.73	8,038	7.44	4.71
129	Houston	R	174,127	130,457	121,280	62.9	13.6	20.4	-6.8	66.5	6490	3.87	13,298	12.32	8.44
130	Houston	R	175,532	122,108	119,770	71.6	11.6	17.7	-6.2	65.3	7895	4.71	11,788	10.92	6.21
132	Houston	R	172,973	117,666	109,150	52.4	20.6	33.0	-12.4	62.5	5336	3.18	1,168	1.08	-2.10
133	Houston	R	171,401	135,423	114,530	70.2	9.5	14.7	-5.2	64.6	3764	2.25	6,548	6.06	3.82
134	Houston	R	174,421	143,575	130,040	74.7	11.0	13.3	-2.3	82.6	6784	4.05	22,058	20.43	16.38
135	Houston	R	172,422	121,136	99,750	50.0	18.2	28.5	-10.3	64.0	4785	2.85	-8,232	-7.62	-10.48
136	Austin Area	R	164,376	116,361	113,740	72.8	12.9	16.3	-3.4	79.1	-3261	-1.95	5,758	5.33	7.28
138	Houston	R	173,059	124,435	98,420	50.3	22.3	41.3	-19.0	54.0	5422	3.23	-9,562	-8.86	-12.09
150	Houston	R	168,735	120,462	109,725	66.0	12.3	21.0	-8.7	58.7	1098	0.65	1,743	1.61	0.96

Average Deviation (97 Districts)

618.05  
6.37

22	Southeast TX	D	161,930	122,897	115,525	37.0	7.7	15.7	-8.0	49.0	-5707	-3.40	7,543	6.99	10.39
27	Houston Suburbs	D	160,084	113,596	104,295	26.2	14.8	19.7	-4.8	75.4	-7553	-4.51	-3,687	-3.41	1.09
31	S Tex RG Valley	D	171,858	121,699	104,285	23.1	73.9	77.7	-3.8	95.1	4221	2.52	-3,697	-3.42	-5.94
34	S Tex RG Valley	D	173,149	125,896	117,465	28.0	64.6	67.7	-3.1	95.4	5512	3.29	9,483	8.78	5.49
35	S Tex RG Valley	D	168,627	109,154	77,585	18.6	78.9	85.1	-6.2	92.7	990	0.59	-30,397	-28.15	-28.74
36	S Tex RG Valley	D	168,963	110,963	76,060	11.9	86.0	90.8	-4.8	94.7	1326	0.79	-31,922	-29.56	-30.35
37	S Tex RG Valley	D	169,088	113,454	78,885	15.5	81.5	87.1	-5.6	93.6	1451	0.87	-29,097	-26.95	-27.81
38	S Tex RG Valley	D	168,214	110,865	92,195	13.5	80.2	86.7	-6.4	92.6	577	0.34	-15,787	-14.62	-14.96
39	S Tex RG Valley	D	168,659	110,751	85,015	14.6	78.9	88.0	-9.1	89.7	1022	0.61	-22,967	-21.27	-21.88
40	S Tex RG Valley	D	168,662	108,086	79,875	8.2	88.4	92.1	-3.8	95.9	1025	0.61	-28,107	-26.03	-26.64
41	S Tex RG Valley	D	168,776	115,033	88,365	17.9	75.7	80.4	-4.6	94.2	1139	0.68	-19,617	-18.17	-18.85
42	S Tex RG Valley	D	167,668	111,699	84,125	5.4	91.2	95.0	-3.9	95.9	31	0.02	-23,857	-22.09	-22.11
46	Austin Area	D	166,410	118,539	94,335	41.6	24.6	41.6	-16.9	59.3	-1227	-0.73	-13,647	-12.64	-11.91
48	Austin Area	D	173,008	135,585	127,810	74.4	16.7	20.4	-3.7	81.9	5371	3.20	19,828	18.36	15.16
49	Austin Area	D	167,309	144,371	130,085	73.1	14.3	21.6	-7.3	66.2	-328	-0.20	22,103	20.47	20.66
50	Austin Area	D	166,516	124,252	110,735	57.5	17.7	25.3	-7.6	69.9	-1121	-0.67	2,753	2.55	3.22
51	Austin Area	D	175,709	128,793	98,320	41.5	44.0	56.2	-12.2	78.3	8072	4.82	-9,662	-8.95	-13.76
74	S Tex RG Valley	D	162,357	115,236	91,345	24.6	69.4	76.6	-7.3	90.5	-5280	-3.15	-16,637	-15.41	-12.26



A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
Dist	Area of State	Party	Total	VAP	CVAP	PCT Anglo	PCT HCVAP	PCT HVAP	%HVAP - %HCVAP	%HCVAP/ %HVAP	TPOP Deviation	%TPOP Deviation	CVAP Deviation	% CVAP Deviation	% CVAP Dev - % TPOP Dev
75	El Paso	D	159,691	103,209	77,455	8.9	89.0	91.8	-2.8	97.0	-7946	-4.74	-30,527	-28.27	-23.53
76	El Paso	D	159,752	116,389	94,705	11.2	83.5	87.3	-3.7	95.7	-7885	-4.70	-13,277	-12.30	-7.59
77	El Paso	D	160,385	115,924	90,830	22.9	69.6	76.0	-6.4	91.6	-7252	-4.33	-17,152	-15.88	-11.56
78	El Paso	D	160,161	111,913	98,925	31.6	58.3	64.7	-6.4	90.0	-7476	-4.46	-9,057	-8.39	-3.93
79	El Paso	D	160,658	112,399	98,435	17.0	76.7	79.9	-3.2	96.0	-6979	-4.16	-9,547	-8.84	-4.68
80	S Tex RG Valley	D	161,949	106,402	86,650	15.5	78.7	86.1	-7.4	91.4	-5688	-3.39	-21,332	-19.76	-16.36
90	Tarrant Cnty	D	159,684	105,664	71,770	27.9	49.0	70.7	-21.7	69.3	-7953	-4.74	-36,212	-33.54	-28.79
95	Tarrant Cnty	D	161,634	115,752	96,150	32.9	12.9	24.3	-11.4	53.0	-6003	-3.58	-11,832	-10.96	-7.38
100	Dallas Cnty	D	161,143	117,479	97,410	29.8	18.3	33.1	-14.8	55.2	-6494	-3.87	-10,572	-9.79	-5.92
101	Tarrant Cnty	D	164,664	110,209	92,990	35.5	19.7	32.5	-12.8	60.6	-2973	-1.77	-14,992	-13.88	-12.11
103	Dallas Cnty	D	170,948	121,837	71,970	39.0	42.7	64.3	-21.7	66.3	3311	1.98	-36,012	-33.35	-35.33
104	Dallas Cnty	D	172,784	115,035	78,780	25.3	51.7	69.2	-17.5	74.7	5147	3.07	-29,202	-27.04	-30.11
109	Dallas Cnty	D	174,223	122,347	112,780	23.4	11.4	20.0	-8.6	57.0	6586	3.93	4,798	4.44	0.51
110	Dallas Cnty	D	167,508	111,827	83,885	14.6	24.9	45.5	-20.6	54.7	-129	-0.08	-24,097	-22.32	-22.24
111	Dallas Cnty	D	166,963	118,393	103,410	24.2	15.1	25.5	-10.3	59.4	-674	-0.40	-4,572	-4.23	-3.83
116	Bexar	D	171,463	132,823	115,470	32.3	57.1	59.9	-2.8	95.3	3826	2.28	7,488	6.93	4.65
118	Bexar	D	164,436	116,859	106,575	28.1	67.1	68.7	-1.6	97.6	-3201	-1.91	-1,407	-1.30	0.61
119	Bexar	D	159,981	114,477	106,465	28.5	58.3	62.7	-4.4	93.0	-7656	-4.57	-1,517	-1.40	3.16
120	Bexar	D	175,132	124,829	114,810	30.6	34.1	42.2	-8.1	80.9	7495	4.47	6,828	6.32	1.85
123	Bexar	D	175,674	135,763	119,930	30.6	62.3	66.5	-4.2	93.7	8037	4.79	11,948	11.06	6.27
124	Bexar	D	174,795	120,503	115,090	24.8	62.4	66.0	-3.6	94.6	7158	4.27	7,108	6.58	2.31
125	Bexar	D	174,549	125,158	115,800	26.3	64.3	69.1	-4.8	93.1	6912	4.12	7,818	7.24	3.12
131	Houston	D	175,227	121,368	93,535	13.2	24.0	41.2	-17.2	58.3	7590	4.53	-14,447	-13.38	-17.91
137	Houston	D	171,079	127,834	64,375	32.5	22.0	51.5	-29.6	42.6	3442	2.05	-43,607	-40.38	-42.44
139	Houston	D	175,733	123,875	100,540	21.6	19.0	35.8	-16.7	53.2	8096	4.83	-7,442	-6.89	-11.72
140	Houston	D	170,732	112,332	69,415	17.2	58.5	75.8	-17.2	77.3	3095	1.85	-38,567	-35.72	-37.56
141	Houston	D	166,498	113,951	92,390	13.5	18.2	37.6	-19.4	48.4	-1139	-0.68	-15,592	-14.44	-13.76
142	Houston	D	159,541	113,288	91,845	20.3	21.3	35.0	-13.7	60.8	-8096	-4.83	-16,137	-14.94	-10.11
143	Houston	D	167,215	113,877	84,625	23.7	53.0	69.4	-16.4	76.4	-422	-0.25	-23,357	-21.63	-21.38
144	Houston	D	161,859	108,509	75,785	34.9	50.3	69.8	-19.5	72.1	-5778	-3.45	-32,197	-29.82	-26.37
145	Houston	D	164,574	116,918	83,645	28.4	55.6	69.8	-14.2	79.7	-3063	-1.83	-24,337	-22.54	-20.71
146	Houston	D	174,485	130,444	97,195	24.7	11.2	27.3	-16.1	41.0	6848	4.09	-10,787	-9.99	-14.07
147	Houston	D	175,873	136,034	114,905	28.9	18.4	31.2	-12.8	59.0	8236	4.91	6,923	6.41	1.50
148	Houston	D	170,811	125,873	91,615	40.1	43.5	61.1	-17.6	71.2	3174	1.89	-16,367	-15.16	-17.05
149	Houston	D	170,702	121,535	89,230	27.0	19.1	33.8	-14.7	56.6	3065	1.83	-18,752	-17.37	-19.19

Average Deviation (53 Districts) -618.03  
-11.66

Note: The Ideal CVAP Population is 107,982. The ideal TPOP Deviation is 167,637.

Source is Texas Legislative Council at <ftp://ftpgis1.tlc.state.tx.us/PlanH358/Reports/Excel/>

Note: CVAP data is from 2010 ACS (2005 through 2009)

TABLE 7  
STATE OF TEXAS  
STATE HOUSE OF REPRESENTATIVES  
83rd Legislature - 1st Called Session - S.B. 3 (June 2013)  
Citizen Voting Age Population Analysis Using American Community Survey  
Sorted by Percent TPOP Deviation

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
Dist	Area of State	Party	Total	VAP	CVAP	PCT Anglo	PCT HCVAP	PCT HVAP	%HVAP - %HCVAP	%HCVAP/ %HVAP	TPOP Deviation	%TPOP Deviation	CVAP Deviation	% CVAP Deviation	% CVAP Dev - % TPOP Dev
61	DFW Suburbs	R	176,054	130,782	128,065	88.5	6.0	10.6	-4.6	56.9	8417	5.02	20,083	18.60	13.58
147	Houston	D	175,873	136,034	114,905	28.9	18.4	31.2	-12.8	59.0	8236	4.91	6,923	6.41	1.50
139	Houston	D	175,733	123,875	100,540	21.6	19.0	35.8	-16.7	53.2	8096	4.83	-7,442	-6.89	-11.72
105	Dallas Cnty	R	175,728	127,590	95,900	51.1	24.1	39.2	-15.1	61.4	8091	4.83	-12,082	-11.19	-16.02
51	Austin Area	D	175,709	128,793	98,320	41.5	44.0	56.2	-12.2	78.3	8072	4.82	-9,662	-8.95	-13.76
29	Houston Suburbs	R	175,700	124,171	116,165	57.5	17.4	23.2	-5.8	74.9	8063	4.81	8,183	7.58	2.77
123	Bexar	D	175,674	135,763	119,930	30.6	62.3	66.5	-4.2	93.7	8037	4.79	11,948	11.06	6.27
130	Houston	R	175,532	122,108	119,770	71.6	11.6	17.7	-6.2	65.3	7895	4.71	11,788	10.92	6.21
47	Austin Area	R	175,314	127,689	125,095	80.3	12.3	12.6	-0.3	97.7	7677	4.58	17,113	15.85	11.27
131	Houston	D	175,227	121,368	93,535	13.2	24.0	41.2	-17.2	58.3	7590	4.53	-14,447	-13.38	-17.91
122	Bexar	R	175,184	128,725	124,270	64.8	23.4	27.8	-4.3	84.4	7547	4.50	16,288	15.08	10.58
120	Bexar	D	175,132	124,829	114,810	30.6	34.1	42.2	-8.1	80.9	7495	4.47	6,828	6.32	1.85
121	Bexar	R	174,867	133,224	128,905	61.0	26.7	31.4	-4.6	85.2	7230	4.31	20,923	19.38	15.06
124	Bexar	D	174,795	120,503	115,090	24.8	62.4	66.0	-3.6	94.6	7158	4.27	7,108	6.58	2.31
125	Bexar	D	174,549	125,158	115,800	26.3	64.3	69.1	-4.8	93.1	6912	4.12	7,818	7.24	3.12
146	Houston	D	174,485	130,444	97,195	24.7	11.2	27.3	-16.1	41.0	6848	4.09	-10,787	-9.99	-14.07
44	Central Texas	R	174,451	126,713	125,720	60.9	29.7	32.7	-3.0	90.9	6814	4.06	17,738	16.43	12.36
134	Houston	R	174,421	143,575	130,040	74.7	11.0	13.3	-2.3	82.6	6784	4.05	22,058	20.43	16.38
87	West Texas	R	174,343	125,360	109,320	65.0	21.8	29.7	-7.9	73.3	6706	4.00	1,338	1.24	-2.76
109	Dallas Cnty	D	174,223	122,347	112,780	23.4	11.4	20.0	-8.6	57.0	6586	3.93	4,798	4.44	0.51
25	Houston Suburbs	R	174,168	129,041	121,250	62.4	20.8	27.4	-6.6	75.9	6531	3.90	13,268	12.29	8.39
129	Houston	R	174,127	130,457	121,280	62.9	13.6	20.4	-6.8	66.5	6490	3.87	13,298	12.32	8.44
83	West Texas	R	173,918	127,906	123,330	67.1	24.9	28.1	-3.2	88.8	6281	3.75	15,348	14.21	10.47
2	Northeast TX	R	173,869	130,806	124,825	85.1	5.5	10.0	-4.5	55.2	6232	3.72	16,843	15.60	11.88
34	S Tex RG Valley	D	173,149	125,896	117,465	28.0	64.6	67.7	-3.1	95.4	5512	3.29	9,483	8.78	5.49
138	Houston	R	173,059	124,435	98,420	50.3	22.3	41.3	-19.0	54.0	5422	3.23	-9,562	-8.86	-12.09
48	Austin Area	D	173,008	135,585	127,810	74.4	16.7	20.4	-3.7	81.9	5371	3.20	19,828	18.36	15.16
132	Houston	R	172,973	117,666	109,150	52.4	20.6	33.0	-12.4	62.5	5336	3.18	1,168	1.08	-2.10
104	Dallas Cnty	D	172,784	115,035	78,780	25.3	51.7	69.2	-17.5	74.7	5147	3.07	-29,202	-27.04	-30.11
135	Houston	R	172,422	121,136	99,750	50.0	18.2	28.5	-10.3	64.0	4785	2.85	-8,232	-7.62	-10.48
114	Dallas Cnty	R	172,330	130,817	105,540	68.2	11.0	24.2	-13.2	45.6	4693	2.80	-2,442	-2.26	-5.06
128	Houston	R	172,221	124,645	116,020	66.4	17.1	25.0	-7.9	68.5	4584	2.73	8,038	7.44	4.71
21	Southeast TX	R	172,180	130,308	121,365	82.0	5.2	9.3	-4.1	55.7	4543	2.71	13,383	12.39	9.68
67	DFW Suburbs	R	172,141	126,368	111,250	70.1	7.5	13.9	-6.4	54.0	4504	2.69	3,268	3.03	0.34
89	DFW Suburbs	R	172,138	118,380	116,895	72.4	8.9	13.0	-4.2	68.0	4501	2.68	8,913	8.25	5.57

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Dist	Area of State	Party	Total	VAP	CVAP	PCT Anglo	PCT HCVAP	PCT HVAP	%HVAP - %HCVAP	%HCVAP/ %HVAP	TPOP Deviation	%TPOP Deviation	CVAP Deviation	% CVAP Deviation	% CVAP Dev - % TPOP Dev
33	DFW Suburbs	R	172,135	119,518	115,655	77.9	8.5	13.5	-4.9	63.5	4498	2.68	7,673	7.11	4.42
70	DFW Suburbs	R	172,135	117,432	110,995	75.3	10.0	15.9	-5.9	62.9	4498	2.68	3,013	2.79	0.11
66	DFW Suburbs	R	172,129	130,796	113,390	69.7	6.0	9.1	-3.1	65.8	4492	2.68	5,408	5.01	2.33
19	Southeast TX	R	171,969	131,682	128,705	82.5	3.7	6.3	-2.6	58.3	4332	2.58	20,723	19.19	16.61
107	Dallas Cnty	R	171,872	123,986	108,045	57.9	15.6	28.9	-13.4	53.8	4235	2.53	63	0.06	-2.47
31	S Tex RG Valley	D	171,858	121,699	104,285	23.1	73.9	77.7	-3.8	95.1	4221	2.52	-3,697	-3.42	-5.94
115	Dallas Cnty	R	171,802	127,352	100,760	58.5	16.7	24.4	-7.8	68.2	4165	2.48	-7,222	-6.69	-9.17
116	Bexar	D	171,463	132,823	115,470	32.3	57.1	59.9	-2.8	95.3	3826	2.28	7,488	6.93	4.65
60	West Texas	R	171,429	131,870	127,825	86.9	9.2	11.8	-2.6	78.0	3792	2.26	19,843	18.38	16.11
113	Dallas Cnty	R	171,418	120,834	106,040	53.5	15.3	26.0	-10.8	58.6	3781	2.26	-1,942	-1.80	-4.05
133	Houston	R	171,401	135,423	114,530	70.2	9.5	14.7	-5.2	64.6	3764	2.25	6,548	6.06	3.82
137	Houston	D	171,079	127,834	64,375	32.5	22.0	51.5	-29.6	42.6	3442	2.05	-43,607	-40.38	-42.44
103	Dallas Cnty	D	170,948	121,837	71,970	39.0	42.7	64.3	-21.7	66.3	3311	1.98	-36,012	-33.35	-35.33
148	Houston	D	170,811	125,873	91,615	40.1	43.5	61.1	-17.6	71.2	3174	1.89	-16,367	-15.16	-17.05
140	Houston	D	170,732	112,332	69,415	17.2	58.5	75.8	-17.2	77.3	3095	1.85	-38,567	-35.72	-37.56
149	Houston	D	170,702	121,535	89,230	27.0	19.1	33.8	-14.7	56.6	3065	1.83	-18,752	-17.37	-19.19
13	Central Texas	R	170,617	131,129	123,515	75.2	9.5	15.9	-6.4	59.7	2980	1.78	15,533	14.38	12.61
72	West Texas	R	170,479	130,771	123,075	64.6	27.6	32.3	-4.8	85.3	2842	1.70	15,093	13.98	12.28
99	Tarrant Cnty	R	170,473	125,722	116,830	74.7	14.7	20.1	-5.4	73.1	2836	1.69	8,848	8.19	6.50
18	Southeast TX	R	169,888	132,877	126,560	71.3	8.1	14.2	-6.1	57.0	2251	1.34	18,578	17.20	15.86
81	West Texas	R	169,684	120,535	108,980	51.8	39.0	46.9	-7.9	83.2	2047	1.22	998	0.92	-0.30
43	S Tex RG Valley	R	169,564	124,492	120,575	35.8	57.7	59.8	-2.1	96.5	1927	1.15	12,593	11.66	10.51
126	Houston	R	169,256	123,014	99,335	51.8	17.0	26.8	-9.9	63.2	1619	0.97	-8,647	-8.01	-8.97
58	Central Texas	R	169,146	123,826	118,105	84.2	8.7	14.9	-6.1	58.8	1509	0.90	10,123	9.37	8.47
37	S Tex RG Valley	D	169,088	113,454	78,885	15.5	81.5	87.1	-5.6	93.6	1451	0.87	-29,097	-26.95	-27.81
36	S Tex RG Valley	D	168,963	110,963	76,060	11.9	86.0	90.8	-4.8	94.7	1326	0.79	-31,922	-29.56	-30.35
97	Tarrant Cnty	R	168,869	131,311	122,870	70.5	9.8	15.7	-5.9	62.3	1232	0.73	14,888	13.79	13.05
41	S Tex RG Valley	D	168,776	115,033	88,365	17.9	75.7	80.4	-4.6	94.2	1139	0.68	-19,617	-18.17	-18.85
150	Houston	R	168,735	120,462	109,725	66.0	12.3	21.0	-8.7	58.7	1098	0.65	1,743	1.61	0.96
11	Northeast TX	R	168,699	128,086	118,640	72.2	5.7	13.9	-8.3	40.6	1062	0.63	10,658	9.87	9.24
117	Bexar	R	168,692	117,126	111,045	32.3	60.9	58.8	2.1	103.6	1055	0.63	3,063	2.84	2.21
40	S Tex RG Valley	D	168,662	108,086	79,875	8.2	88.4	92.1	-3.8	95.9	1025	0.61	-28,107	-26.03	-26.64
39	S Tex RG Valley	D	168,659	110,751	85,015	14.6	78.9	88.0	-9.1	89.7	1022	0.61	-22,967	-21.27	-21.88
35	S Tex RG Valley	D	168,627	109,154	77,585	18.6	78.9	85.1	-6.2	92.7	990	0.59	-30,397	-28.15	-28.74
4	DFW Suburbs	R	168,429	123,603	117,715	81.5	6.3	11.7	-5.4	53.6	792	0.47	9,733	9.01	8.54
38	S Tex RG Valley	D	168,214	110,865	92,195	13.5	80.2	86.7	-6.4	92.6	577	0.34	-15,787	-14.62	-14.96
84	West Texas	R	167,970	128,898	124,075	58.7	28.0	30.2	-2.2	92.8	333	0.20	16,093	14.90	14.70
54	Central Texas	R	167,736	117,164	112,385	51.6	15.8	17.6	-1.9	89.5	99	0.06	4,403	4.08	4.02
42	S Tex RG Valley	D	167,668	111,699	84,125	5.4	91.2	95.0	-3.9	95.9	31	0.02	-23,857	-22.09	-22.11
45	Austin Area	R	167,604	126,549	124,330	66.7	25.5	30.0	-4.6	84.8	-33	-0.02	16,348	15.14	15.16
64	DFW Suburbs	R	167,588	129,175	116,875	75.0	10.1	16.6	-6.5	60.8	-49	-0.03	8,893	8.24	8.26
110	Dallas Cnty	D	167,508	111,827	83,885	14.6	24.9	45.5	-20.6	54.7	-129	-0.08	-24,097	-22.32	-22.24

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A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
Dist	Area of State	Party	Total	VAP	CVAP	PCT Anglo	PCT HCVAP	PCT HVAP	%HVAP - %HCVAP	%HCVAP/ %HVAP	TPOP Deviation	%TPOP Deviation	CVAP Deviation	% CVAP Deviation	% CVAP Dev - % TPOP Dev
94	Tarrant Cnty	R	167,374	125,516	114,195	69.8	10.2	15.3	-5.2	66.3	-263	-0.16	6,213	5.75	5.91
15	Houston Suburbs	R	167,349	120,450	116,690	81.8	7.4	13.5	-6.1	55.0	-288	-0.17	8,708	8.06	8.24
63	DFW Suburbs	R	167,337	115,634	113,605	80.8	8.0	13.1	-5.1	61.2	-300	-0.18	5,623	5.21	5.39
49	Austin Area	D	167,309	144,371	130,085	73.1	14.3	21.6	-7.3	66.2	-328	-0.20	22,103	20.47	20.66
143	Houston	D	167,215	113,877	84,625	23.7	53.0	69.4	-16.4	76.4	-422	-0.25	-23,357	-21.63	-21.38
32	S Tex RG Valley	R	167,074	126,072	124,080	46.8	44.2	45.9	-1.6	96.5	-563	-0.34	16,098	14.91	15.24
112	Dallas Cnty	R	167,051	120,192	97,965	54.9	14.8	26.3	-11.5	56.4	-586	-0.35	-10,017	-9.28	-8.93
111	Dallas Cnty	D	166,963	118,393	103,410	24.2	15.1	25.5	-10.3	59.4	-674	-0.40	-4,572	-4.23	-3.83
71	West Texas	R	166,924	127,097	123,650	71.2	17.9	20.1	-2.1	89.4	-713	-0.43	15,668	14.51	14.94
73	Bexar	R	166,719	127,882	126,130	79.7	16.6	19.8	-3.3	83.6	-918	-0.55	18,148	16.81	17.35
9	Northeast TX	R	166,719	125,947	121,420	75.8	2.5	6.9	-4.4	35.8	-918	-0.55	13,438	12.44	12.99
16	Houston Suburbs	R	166,647	122,271	108,180	80.7	9.3	21.1	-11.8	44.2	-990	-0.59	198	0.18	0.77
50	Austin Area	D	166,516	124,252	110,735	57.5	17.7	25.3	-7.6	69.9	-1121	-0.67	2,753	2.55	3.22
141	Houston	D	166,498	113,951	92,390	13.5	18.2	37.6	-19.4	48.4	-1139	-0.68	-15,592	-14.44	-13.76
46	Austin Area	D	166,410	118,539	94,335	41.6	24.6	41.6	-16.9	59.3	-1227	-0.73	-13,647	-12.64	-11.91
30	Central Texas	R	166,022	124,729	121,220	59.0	31.8	35.2	-3.4	90.4	-1615	-0.96	13,238	12.26	13.22
52	Austin Area	R	165,994	114,146	111,445	62.8	19.6	26.7	-7.1	73.5	-1643	-0.98	3,463	3.21	4.19
1	Northeast TX	R	165,823	125,927	122,470	75.1	3.1	5.8	-2.7	53.5	-1814	-1.08	14,488	13.42	14.50
65	DFW Suburbs	R	165,742	124,977	109,350	62.3	9.8	18.6	-8.8	52.5	-1895	-1.13	1,368	1.27	2.40
86	West Texas	R	165,183	121,555	115,915	76.4	16.5	22.3	-5.8	73.9	-2454	-1.46	7,933	7.35	8.81
3	Houston Suburbs	R	164,955	119,595	109,760	75.4	9.7	20.0	-10.3	48.5	-2682	-1.60	1,778	1.65	3.25
96	Tarrant Cnty	R	164,930	113,924	109,035	65.5	10.1	15.2	-5.1	66.5	-2707	-1.61	1,053	0.98	2.59
101	Tarrant Cnty	D	164,664	110,209	92,990	35.5	19.7	32.5	-12.8	60.6	-2973	-1.77	-14,992	-13.88	-12.11
145	Houston	D	164,574	116,918	83,645	28.4	55.6	69.8	-14.2	79.7	-3063	-1.83	-24,337	-22.54	-20.71
118	Bexar	D	164,436	116,859	106,575	28.1	67.1	68.7	-1.6	97.6	-3201	-1.91	-1,407	-1.30	0.61
57	Southeast TX	R	164,418	124,630	118,140	72.8	7.2	13.0	-5.8	55.5	-3219	-1.92	10,158	9.41	11.33
136	Austin Area	R	164,376	116,361	113,740	72.8	12.9	16.3	-3.4	79.1	-3261	-1.95	5,758	5.33	7.28
98	Tarrant Cnty	R	164,081	114,953	114,875	83.7	6.7	9.8	-3.1	68.8	-3556	-2.12	6,893	6.38	8.50
127	Houston	R	163,983	115,865	114,290	67.1	12.4	18.1	-5.7	68.6	-3654	-2.18	6,308	5.84	8.02
56	Central Texas	R	163,869	123,411	117,985	72.6	12.4	17.8	-5.4	69.7	-3768	-2.25	10,003	9.26	11.51
23	Houston Suburbs	R	163,720	123,736	111,960	59.8	16.6	22.7	-6.1	73.2	-3917	-2.34	3,978	3.68	6.02
59	Central Texas	R	163,609	122,193	118,030	75.9	11.4	15.6	-4.2	73.1	-4028	-2.40	10,048	9.31	11.71
17	Central Texas	R	163,480	121,295	112,125	61.1	27.0	33.4	-6.4	80.9	-4157	-2.48	4,143	3.84	6.32
82	West Texas	R	163,234	118,623	113,415	59.3	28.6	35.2	-6.6	81.2	-4403	-2.63	5,433	5.03	7.66
108	Dallas Cnty	R	163,233	133,667	122,505	74.3	13.6	19.5	-6.0	69.4	-4404	-2.63	14,523	13.45	16.08
14	Central Texas	R	163,187	131,479	114,485	68.6	14.1	21.0	-6.9	67.2	-4450	-2.65	6,503	6.02	8.68
10	DFW Suburbs	R	163,063	116,978	111,680	75.6	13.1	18.7	-5.5	70.4	-4574	-2.73	3,698	3.42	6.15
53	West Texas	R	162,897	127,381	123,515	72.2	23.1	26.8	-3.7	86.3	-4740	-2.83	15,533	14.38	17.21
91	Tarrant Cnty	R	162,838	119,048	108,845	75.9	10.9	18.2	-7.2	60.2	-4799	-2.86	863	0.80	3.66
24	Houston Suburbs	R	162,685	118,491	118,260	74.8	11.3	15.6	-4.3	72.3	-4952	-2.95	10,278	9.52	12.47
74	S Tex RG Valley	D	162,357	115,236	91,345	24.6	69.4	76.6	-7.3	90.5	-5280	-3.15	-16,637	-15.41	-12.26
92	Tarrant Cnty	R	162,326	126,290	116,980	70.3	9.6	14.5	-4.9	66.1	-5311	-3.17	8,998	8.33	11.50

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55	Central Texas	R	162,176	119,755	116,635	64.4	14.9	19.4	-4.5	76.8	-5461	-3.26	8,653	8.01	11.27
93	Tarrant Cnty	R	162,161	113,584	103,455	64.1	14.8	22.8	-8.0	65.0	-5476	-3.27	-4,527	-4.19	-0.93
80	S Tex RG Valley	D	161,949	106,402	86,650	15.5	78.7	86.1	-7.4	91.4	-5688	-3.39	-21,332	-19.76	-16.36
106	DFW Suburbs	R	161,947	110,568	107,290	76.1	8.8	14.7	-5.9	60.1	-5690	-3.39	-692	-0.64	2.75
22	Southeast TX	D	161,930	122,897	115,525	37.0	7.7	15.7	-8.0	49.0	-5707	-3.40	7,543	6.99	10.39
144	Houston	D	161,859	108,509	75,785	34.9	50.3	69.8	-19.5	72.1	-5778	-3.45	-32,197	-29.82	-26.37
95	Tarrant Cnty	D	161,634	115,752	96,150	32.9	12.9	24.3	-11.4	53.0	-6003	-3.58	-11,832	-10.96	-7.38
100	Dallas Cnty	D	161,143	117,479	97,410	29.8	18.3	33.1	-14.8	55.2	-6494	-3.87	-10,572	-9.79	-5.92
102	Dallas Cnty	R	161,136	122,520	96,850	65.0	11.3	24.1	-12.8	46.8	-6501	-3.88	-11,132	-10.31	-6.43
8	Central Texas	R	161,098	123,550	114,450	72.1	8.8	15.4	-6.6	57.0	-6539	-3.90	6,468	5.99	9.89
7	Northeast TX	R	161,039	120,296	112,255	74.7	3.9	11.2	-7.3	34.9	-6598	-3.94	4,273	3.96	7.89
88	West Texas	R	160,896	115,622	103,670	60.9	29.4	38.9	-9.5	75.7	-6741	-4.02	-4,312	-3.99	0.03
79	El Paso	D	160,658	112,399	98,435	17.0	76.7	79.9	-3.2	96.0	-6979	-4.16	-9,547	-8.84	-4.68
12	Central Texas	R	160,573	119,556	111,590	64.4	11.8	19.5	-7.7	60.6	-7064	-4.21	3,608	3.34	7.56
68	West Texas	R	160,508	121,547	112,760	80.9	12.8	18.5	-5.7	69.1	-7129	-4.25	4,778	4.42	8.68
77	El Paso	D	160,385	115,924	90,830	22.9	69.6	76.0	-6.4	91.6	-7252	-4.33	-17,152	-15.88	-11.56
28	Houston Suburbs	R	160,373	107,968	100,995	53.3	15.6	20.6	-5.0	75.8	-7264	-4.33	-6,987	-6.47	-2.14
5	Northeast TX	R	160,253	120,169	112,555	78.8	5.2	13.2	-7.9	39.8	-7384	-4.40	4,573	4.23	8.64
85	Houston Suburbs	R	160,182	113,433	102,620	48.3	27.5	35.1	-7.6	78.5	-7455	-4.45	-5,362	-4.97	-0.52
78	El Paso	D	160,161	111,913	98,925	31.6	58.3	64.7	-6.4	90.0	-7476	-4.46	-9,057	-8.39	-3.93
26	Houston Suburbs	R	160,091	117,247	97,320	52.2	11.6	14.9	-3.3	77.8	-7546	-4.50	-10,662	-9.87	-5.37
69	West Texas	R	160,087	123,063	117,450	77.2	9.7	12.9	-3.2	75.3	-7550	-4.50	9,468	8.77	13.27
27	Houston Suburbs	D	160,084	113,596	104,295	26.2	14.8	19.7	-4.8	75.4	-7553	-4.51	-3,687	-3.41	1.09
62	Northeast TX	R	160,023	122,203	117,530	85.0	4.2	8.6	-4.4	49.0	-7614	-4.54	9,548	8.84	13.38
6	Northeast TX	R	160,008	119,154	109,970	70.1	6.5	14.9	-8.3	44.0	-7629	-4.55	1,988	1.84	6.39
119	Bexar	D	159,981	114,477	106,465	28.5	58.3	62.7	-4.4	93.0	-7656	-4.57	-1,517	-1.40	3.16
20	Central Texas	R	159,816	121,754	115,395	82.8	10.3	16.6	-6.2	62.4	-7821	-4.67	7,413	6.87	11.53
76	El Paso	D	159,752	116,389	94,705	11.2	83.5	87.3	-3.7	95.7	-7885	-4.70	-13,277	-12.30	-7.59
75	El Paso	D	159,691	103,209	77,455	8.9	89.0	91.8	-2.8	97.0	-7946	-4.74	-30,527	-28.27	-23.53
90	Tarrant Cnty	D	159,684	105,664	71,770	27.9	49.0	70.7	-21.7	69.3	-7953	-4.74	-36,212	-33.54	-28.79
142	Houston	D	159,541	113,288	91,845	20.3	21.3	35.0	-13.7	60.8	-8096	-4.83	-16,137	-14.94	-10.11

Note: The Ideal CVAP Population is 107,982. The ideal TPOP Deviation is 16,7637.

Source is Texas Legislative Council at <ftp://ftpgis1.tlc.state.tx.us/PlanH358/Reports/Excel/>

Note: CVAP data is from 2010 ACS (2005 through 2009)

**TABLE 8**  
**Texas Regions Using Whole State House Districts**  
**Showing Gain or Loss of Districts Using CVAP as Population Base**

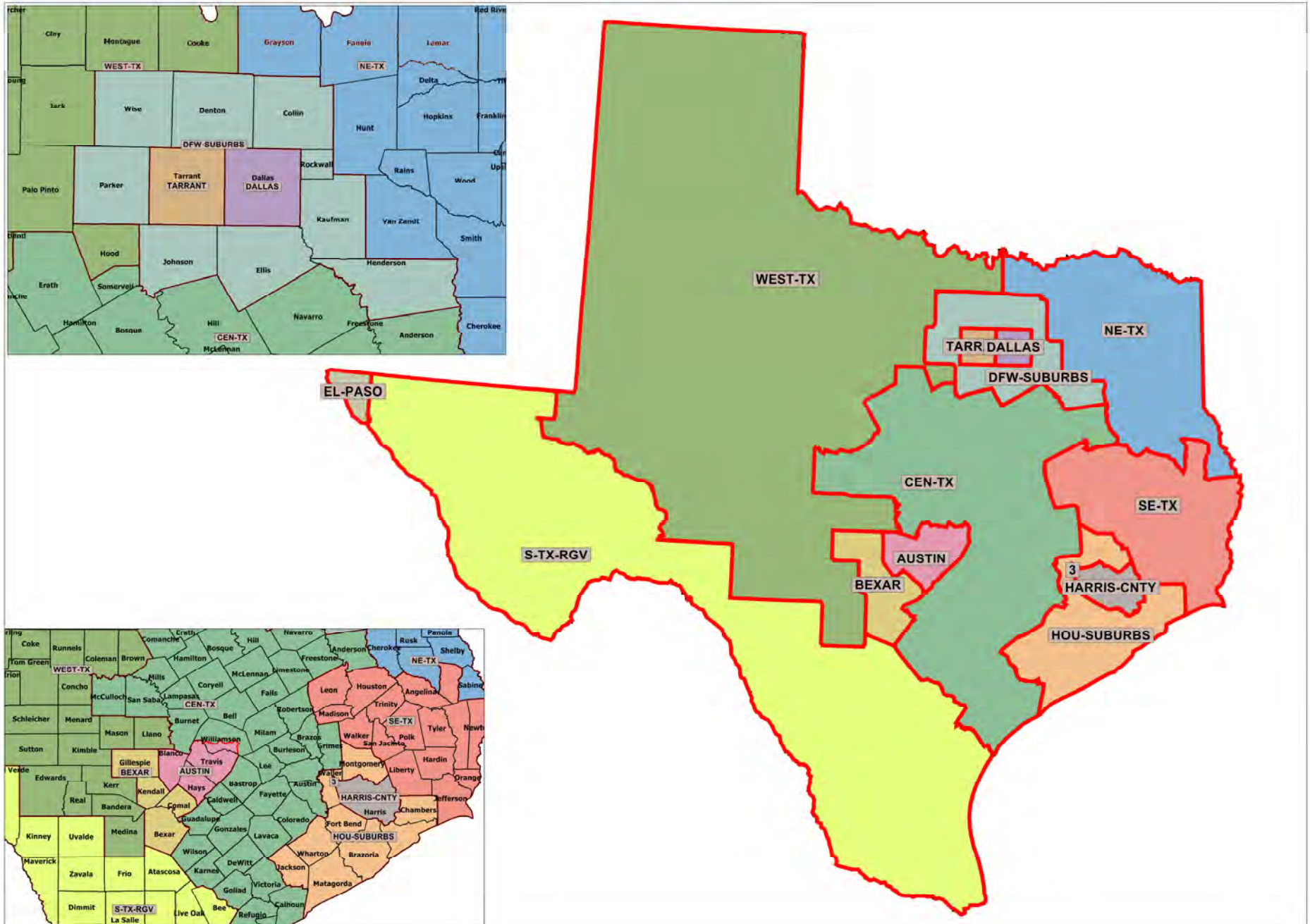
Region of State	Present Districts	Districts Under CVAP	Gain or Loss Under CVAP	Average Pct. Deviation per District
Austin and Suburbs	9	9.6	0.6	6.59
San Antonio and Suburbs	11	11.9	0.9	8.14
Central Texas	13	14.1	1.1	8.4
Dallas County	14	12.8	-1.2	-8.59
Dallas Suburbs	12	12.7	0.7	5.94
Tarrant County	11	10.8	-0.2	-1.67
Harris County	24	22.1	-1.9	-8.11
Houston Suburbs	11	11.2	0.2	1.66
Northeast Texas	8	8.7	0.7	8.78
El Paso County	5	4.3	-0.7	-14.74
Rio Grande Valley and South Texas	14	12.1	-1.9	-13.58
Southeast Texas	5	5.7	0.7	13.04
West Texas	13	14.1	1.1	8.78
State Total	150	150.1	0.1	

**Note:** There are small rounding errors.



# MAP 1 - TEXAS CVAP ANALYSIS REGIONS

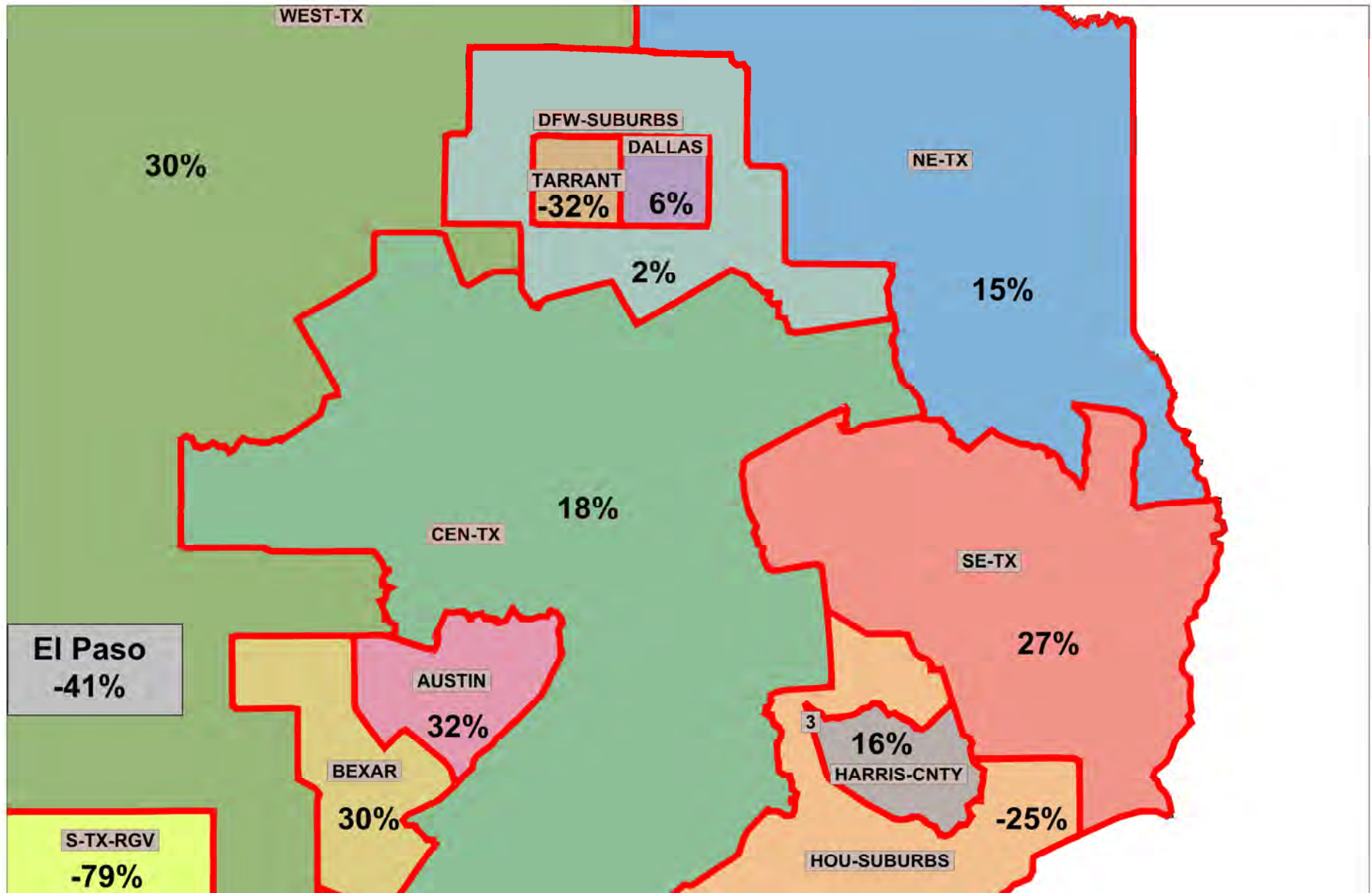
## Using Whole State House Districts





## MAP 2 - TEXAS REGIONS

Showing Percentage of a District over or Under Using CVAP



## APPENDIX 1

### LEGAL PAPER - POPULATION DATABASES

When examining population databases for intrastate redistricting purposes it is important to remember that one may be potentially talking about two sets of data; one used by the state to draw up the plan and possibly another used by the courts to assess "one person one vote." The courts have been clear that population databases in addition to the population database used to judge one person one vote are allowed. The most obvious and prominent example of this is in Hawaii. Hawaii has an interesting factual situation. Because of the large number of military personnel stationed on a variety of Naval, Marine, Army and Air Force installations it is possible with little effort to draw districts which meet the one person one vote standard but only contain a handful of voters. Virtually none of the military personnel in Hawaii are Hawaii voters. Therefore, by grabbing a section of military population that would almost completely constitute a legislative district and including it with a few registered voters, literally a single family could elect a legislator. This is what was referred to in the 19th century as a "rotten borough." As the court stated in *Burns v. Gill*, "if total population were to be the only acceptable criterion upon which legislative representation could be based, in Hawaii grossly absurd and disastrous results would flow... the factors of tourists and the military concentration in particular regions of Oahu... are and apparently will be ever present in Hawaii."<sup>55</sup> (Emphasis added) Hawaii has attempted to solve this problem by requiring that the numbers of permanent residents and registered voters are equalized in the state's districts.

The courts examined this issue in a series of cases beginning with *Burns v. Richardson*.<sup>56</sup> In *Richardson* the Supreme Court stated that "we hold the that the present [Hawaii] apportionment satisfies the Equal Protection Clause only because on this record it was found to have produced a distribution of legislators not substantially different from that which would have resulted from the use of a permissible population basis." The Court also observed in a footnote from the same paragraph that the Fourth Circuit in *Ellis v. Mayor & City of Baltimore* had "disapproved a registered voter's basis for apportioning the governing council of Baltimore Maryland. The Court of Appeals held that this basis was permissible only if it yielded results substantially approximating those obtained by use of a total population base."<sup>57</sup>

In the 1980's, a subsequent district court in Hawaii noted the *Ellis* footnote and while conceding that there might be another permissible population base (such as citizen population), registered voters was not such a population base and total population as reported by the census was. As a result, "the plan's [Hawaii's congressional and legislative] failure to replicate the results of a total population-based apportionment creates at least a prima facie showing of invalidity." The court found that once the prima facie case had been made the burden was on the state to justify the deviations.<sup>58</sup> The *Travis* Court did not forbid the policy of equalizing the voters between the districts but still required that it equalize total population as well.

There can be substantial deviations from an equal distribution of persons across districts depending upon the population base used for apportionment. See *Chen v. City of Houston*, (Thomas, J., dissenting) (stating that whether "population" for purposes of apportionment means "total population" or "citizen voting age population" may "be dispositive of whether" the Equal Protection Clause has been violated)<sup>59</sup>; *Garza v. County of Los Angeles*, (Kozinski, J., concurring

and dissenting in part) (recognizing the potential substantive difference between striving for "equality of population" and "equality of voting strength" in the apportionment process, and stating that "[a]pportionment by population can result in unequally weighted votes, while assuring equality in voting power might well call for districts of unequal population." ).<sup>60</sup>

The issue raised in these opinions is whether the mandates of equal protection are related to equality of representation or equality of electoral power. The rhetoric of the apportionment revolution of the 1960s was one person one vote. The Supreme Court talked virtually exclusively about equality of votes. This becomes significant only when there is a disconnect between equality of total population and numbers of voters or potential voters (for example, area with large non-citizen populations or other large non-voting groups).

A similar set of issues is implicated by the recent consideration by many states of legislation which would redistribute the census results so as to reallocate prisoners from the prisons where they were held on the census day to the address which they listed as their residence on the day of their incarceration. At first blush such reallocation would appear to be constitutional, particularly since states like Kansas have reallocated college students from their campuses back to their homes in Kansas.<sup>61</sup> However, unlike Kansas, many of the states considering prisoner reallocation have decided not to count out-of-state prisoners at all. This would appear to conflict with the principles set down in the Hawaii cases. As the court noted in the *Travis* case, having received a second congressional seat the state cannot proceed to ignore the population which allowed this to occur.<sup>62</sup> A similar issue would appear to be at work if a state simply removed all of the out-of-state prison population from its redistricting population database. Prison population can have significant effects on state legislative districts particularly in light of the intentional deviation manipulation issues highlighted by *Larios* case. Therefore, we can almost certainly expect litigation of these issues in this redistricting cycle. The ultimate constitutionality of the statutes will most likely depend on the method of the reallocation and whether it creates a discriminatory manipulation of the deviations between the districts.

<sup>55</sup> *Burns v. Gill* 316 F.Supp. 1285, 1293 (D. Haw. 1970).

<sup>56</sup> *Burns v. Richardson* 384 U.S. 73 (1966).

<sup>57</sup> *Ellis v. Mayor & City of Baltimore* 352 F.2d 123, 130 (4th Cir. 1965).

<sup>58</sup> *Travis v. King*, 552 F.Supp. 554, 572 (D. Haw. 1982).

<sup>59</sup> *Chen v. City of Houston*, 532 U.S. 1046, 2021 (2001) (Thomas, J., dissenting)

<sup>60</sup> *Garza v. County of Los Angeles*, 918 F.2d 763, 781 (9th Cir. 1990) (Kozinski, J., concurring and dissenting in part).

## APPENDIX 2

### Column Descriptions for Table 8

Column	Column Header	Explanation
Column A	Dist	Texas State House District #
Column B	Area of State	Region of the State
Column C	Party	Political Party of the Incumbent
Column D	Total	Total 2010 Population (TPOP)
Column E	VAP	Total 2010 Adult Population (VAP)
Column F	CVAP	Total Citizen Voting Age Population
Column G	PCT Anglo	Percent CVAP Anglo
Column H	PCT HCVAP	Percent Hispanic CVAP
Column I	PCT HVAP	Percent Adult Hispanic VAP
Column J	%HVAP - %HCVAP	Column I minus Column H
Column K	%HCVAP/%HVAP	Column H divided by Column I
Column L	TPOP Deviation	Deviation using TPOP
Column M	% TPOP Deviation	Percent Deviation using TPOP
Column N	CVAP Deviation	Deviation using CVAP
Column O	% CVAP Deviation	Percent Deviation using CVAP
Column P	% CVAP Dev - % TPOP Dev	Column O - Column M

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Data: 2009-2013 ACS; 2010 Census  
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American Community Survey Special Tabulation  
HOUSE DISTRICTS - PLANH358

Texas Legislative Council  
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Page 1 of 1

2010 Census			Special Tabulation of Citizen Voting Age Population (CVAP) from the 2009-2013 American Community Survey with Margins of Error												
			CVAP	Hispanic CVAP	Not Hispanic or Latino Citizen Voting Age Population (CVAP)										
					% Black Alone	% Black + White	% Black + American Indian	% White Alone	% American Indian Alone	%Asian Alone	% Native Hawaiian Alone	% American Indian + White	% Asian + White	% Remainder 2 or More Other	
District	Total	VAP	CVAP	% Hispanic											
1	165,823	125,927	122,470 (±2,705)	4.0 (±0.5)	18.1 (±1.1)	0.3 (±0.2)	0.3(±0.2)	75.1 (±0.9)	0.7 (±0.2)	0.4 (±0.2)	0.1 (±0.2)	0.8 (±0.2)	0.1 (±0.1)	0.2 (±0.1)	
2	173,869	130,806	124,825 (±2,634)	6.3 (±0.6)	6.5 (±0.6)	0.0 (±0.1)	0.0(±0.1)	85.1 (±0.8)	0.7 (±0.2)	0.4 (±0.2)	0.2 (±0.2)	0.6 (±0.2)	0.0 (±0.1)	0.1 (±0.1)	
3	164,955	119,595	109,760 (±3,444)	12.1 (±1.2)	9.8 (±1.1)	0.3 (±0.2)	0.0(±0.1)	75.4 (±1.2)	0.2 (±0.1)	1.0 (±0.3)	0.1 (±0.1)	1.0 (±0.2)	0.1 (±0.1)	0.1 (±0.1)	
4	168,429	123,603	117,715 (±2,818)	7.3 (±0.7)	8.9 (±0.8)	0.3 (±0.2)	0.1(±0.1)	81.5 (±1.1)	0.6 (±0.2)	0.4 (±0.2)	0.1 (±0.2)	0.6 (±0.2)	0.2 (±0.2)	0.1 (±0.1)	
5	160,253	120,169	112,555 (±2,513)	7.0 (±0.7)	12.5 (±0.9)	0.1 (±0.1)	0.0(±0.1)	78.8 (±0.9)	0.6 (±0.2)	0.3 (±0.2)	0.0 (±0.1)	0.5 (±0.2)	0.0 (±0.1)	0.0 (±0.1)	
6	160,008	119,154	109,970 (±2,538)	8.7 (±0.9)	19.3 (±1.1)	0.1 (±0.1)	0.0(±0.1)	70.1 (±1.0)	0.3 (±0.2)	0.8 (±0.3)	0.0 (±0.1)	0.3 (±0.2)	0.2 (±0.2)	0.1 (±0.1)	
7	161,039	120,296	112,255 (±2,507)	5.5 (±0.6)	17.7 (±1.0)	0.0 (±0.1)	0.1(±0.2)	74.7 (±1.1)	0.5 (±0.2)	0.8 (±0.3)	0.0 (±0.1)	0.5 (±0.2)	0.1 (±0.1)	0.0 (±0.1)	
8	161,098	123,550	114,450 (±2,495)	9.5 (±0.7)	16.9 (±0.9)	0.1 (±0.1)	0.0(±0.1)	72.1 (±1.0)	0.4 (±0.1)	0.4 (±0.2)	0.0 (±0.1)	0.4 (±0.2)	0.0 (±0.1)	0.1 (±0.1)	
9	166,719	125,947	121,420 (±2,713)	3.5 (±0.5)	19.6 (±1.1)	0.1 (±0.1)	0.0(±0.1)	75.8 (±0.9)	0.1 (±0.1)	0.3 (±0.2)	0.0 (±0.1)	0.3 (±0.2)	0.1 (±0.1)	0.1 (±0.1)	
10	163,063	116,978	111,680 (±2,473)	14.0 (±1.1)	8.6 (±0.8)	0.1 (±0.1)	0.1(±0.2)	75.6 (±0.9)	0.5 (±0.2)	0.5 (±0.2)	0.0 (±0.1)	0.5 (±0.2)	0.0 (±0.1)	0.0 (±0.1)	
11	168,699	128,086	118,640 (±2,557)	7.5 (±0.6)	18.5 (±0.9)	0.1 (±0.1)	0.1(±0.1)	72.2 (±1.0)	0.4 (±0.2)	0.7 (±0.2)	0.0 (±0.1)	0.5 (±0.2)	0.1 (±0.1)	0.0 (±0.1)	
12	160,573	119,556	111,590 (±2,665)	13.8 (±1.1)	20.1 (±1.1)	0.1 (±0.1)	0.1(±0.1)	64.4 (±0.9)	0.3 (±0.2)	0.6 (±0.2)	0.1 (±0.1)	0.4 (±0.2)	0.1 (±0.1)	0.0 (±0.1)	
13	170,617	131,129	123,515 (±2,668)	11.3 (±0.9)	12.4 (±1.0)	0.1 (±0.1)	0.1(±0.1)	75.2 (±0.7)	0.1 (±0.1)	0.3 (±0.2)	0.0 (±0.1)	0.3 (±0.2)	0.0 (±0.1)	0.0 (±0.1)	
14	163,187	131,479	114,485 (±3,221)	16.5 (±1.0)	10.9 (±1.0)	0.5 (±0.3)	0.1(±0.1)	68.6 (±1.4)	0.3 (±0.1)	2.4 (±0.4)	0.0 (±0.1)	0.4 (±0.1)	0.2 (±0.2)	0.1 (±0.1)	
15	167,349	120,450	116,690 (±3,258)	9.9 (±0.9)	3.6 (±0.6)	0.2 (±0.1)	0.1(±0.1)	81.8 (±1.4)	0.1 (±0.1)	3.0 (±0.5)	0.1 (±0.1)	0.7 (±0.2)	0.5 (±0.3)	0.2 (±0.1)	
16	166,647	122,271	108,180 (±3,231)	11.0 (±1.1)	6.7 (±0.9)	0.2 (±0.2)	0.1(±0.2)	80.7 (±1.3)	0.2 (±0.1)	0.6 (±0.2)	0.0 (±0.1)	0.3 (±0.1)	0.1 (±0.1)	0.1 (±0.1)	
17	163,480	121,295	112,125 (±2,794)	28.2 (±1.3)	9.1 (±0.8)	0.1 (±0.1)	0.1(±0.1)	61.1 (±1.2)	0.3 (±0.2)	0.4 (±0.2)	0.0 (±0.1)	0.6 (±0.2)	0.1 (±0.1)	0.1 (±0.1)	
18	169,888	132,877	126,560 (±3,430)	10.3 (±0.7)	17.0 (±1.1)	0.0 (±0.1)	0.0(±0.1)	71.3 (±1.0)	0.3 (±0.2)	0.4 (±0.2)	0.0 (±0.1)	0.5 (±0.2)	0.1 (±0.1)	0.0 (±0.1)	
19	171,969	131,682	128,705 (±2,845)	4.4 (±0.5)	11.5 (±0.8)	0.1 (±0.1)	0.0(±0.1)	82.5 (±0.9)	0.7 (±0.2)	0.3 (±0.2)	0.0 (±0.1)	0.4 (±0.1)	0.0 (±0.1)	0.0 (±0.1)	
20	159,816	121,754	115,395 (±2,504)	12.1 (±1.0)	3.6 (±0.5)	0.1 (±0.1)	0.0(±0.1)	82.8 (±0.8)	0.4 (±0.2)	0.5 (±0.2)	0.0 (±0.1)	0.5 (±0.2)	0.1 (±0.2)	0.0 (±0.1)	
21	172,180	130,308	121,365 (±2,639)	7.6 (±0.7)	7.8 (±0.7)	0.1 (±0.1)	0.1(±0.1)	82.0 (±0.8)	0.4 (±0.2)	1.4 (±0.4)	0.0 (±0.1)	0.4 (±0.2)	0.1 (±0.1)	0.1 (±0.1)	
22	161,930	122,897	115,525 (±2,666)	9.5 (±0.8)	49.8 (±1.3)	0.2 (±0.2)	0.1(±0.1)	37.0 (±1.1)	0.3 (±0.2)	2.5 (±0.4)	0.1 (±0.1)	0.3 (±0.2)	0.1 (±0.1)	0.1 (±0.1)	
23	163,720	123,736	111,960 (±2,649)	17.4 (±1.1)	19.7 (±1.0)	0.2 (±0.2)	0.0(±0.1)	59.8 (±1.3)	0.4 (±0.2)	1.7 (±0.4)	0.1 (±0.1)	0.6 (±0.2)	0.1 (±0.1)	0.1 (±0.1)	
24	162,685	118,491	118,260 (±2,930)	13.9 (±1.2)	7.2 (±0.8)	0.3 (±0.2)	0.0(±0.1)	74.8 (±1.1)	0.1 (±0.1)	2.9 (±0.5)	0.0 (±0.1)	0.5 (±0.2)	0.3 (±0.2)	0.1 (±0.1)	
25	174,168	129,041	121,250 (±2,832)	23.4 (±1.3)	12.1 (±0.9)	0.1 (±0.1)	0.1(±0.2)	62.4 (±1.2)	0.3 (±0.2)	1.0 (±0.3)	0.1 (±0.2)	0.3 (±0.2)	0.1 (±0.1)	0.1 (±0.2)	

The American Community Survey provided estimated citizen voting age population (CVAP) data at the block group level in a Special Tabulation. All block groups with more than 50% of the population in a district are included in the

American Community Survey Special Tabulation  
HOUSE DISTRICTS - PLANH358

2010 Census			Special Tabulation of Citizen Voting Age Population (CVAP) from the 2009-2013 American Community Survey with Margins of Error												
			CVAP	Hispanic CVAP  % Hispanic	Not Hispanic or Latino Citizen Voting Age Population (CVAP)										
					% Black			% American		% Native		% American		% Asian + White	% Remainder 2 or More Other
					% Black Alone	% Black + White	+ American Indian	% White Alone	Indian Alone	%Asian Alone	Hawaiian Alone	Indian + White			
District	Total	VAP	CVAP	% Hispanic	% Black Alone	% Black + White	+ American Indian	% White Alone	Indian Alone	%Asian Alone	Hawaiian Alone	Indian + White	% Asian + White	% Remainder 2 or More Other	
26	160,091	117,247	97,320 (±2,690)	14.5 (±1.3)	10.4 (±1.1)	0.1 (±0.1)	0.0(±0.1)	52.2 (±1.5)	0.1 (±0.1)	21.7 (±1.4)	0.0 (±0.1)	0.3 (±0.2)	0.6 (±0.3)	0.1 (±0.2)	
27	160,084	113,596	104,295 (±2,865)	15.5 (±1.2)	46.2 (±1.8)	0.2 (±0.2)	0.1(±0.1)	26.2 (±1.1)	0.2 (±0.2)	10.9 (±1.1)	0.0 (±0.1)	0.2 (±0.2)	0.1 (±0.1)	0.3 (±0.2)	
28	160,373	107,968	100,995 (±3,011)	15.3 (±1.3)	16.1 (±1.6)	0.1 (±0.1)	0.1(±0.1)	53.3 (±1.6)	0.1 (±0.1)	13.9 (±1.3)	0.0 (±0.1)	0.3 (±0.2)	0.5 (±0.2)	0.2 (±0.2)	
29	175,700	124,171	116,165 (±2,991)	20.0 (±1.5)	13.7 (±1.3)	0.1 (±0.1)	0.1(±0.1)	57.5 (±1.3)	0.4 (±0.2)	7.3 (±0.8)	0.0 (±0.1)	0.4 (±0.2)	0.2 (±0.1)	0.2 (±0.2)	
30	166,022	124,729	121,220 (±2,579)	33.7 (±1.3)	5.1 (±0.6)	0.1 (±0.1)	0.2(±0.2)	59.0 (±1.0)	0.1 (±0.1)	0.8 (±0.2)	0.0 (±0.1)	0.8 (±0.2)	0.1 (±0.1)	0.1 (±0.1)	
31	171,858	121,699	104,285 (±2,886)	75.1 (±1.5)	1.2 (±0.2)	0.0 (±0.1)	0.0(±0.1)	23.1 (±1.1)	0.2 (±0.2)	0.2 (±0.2)	0.0 (±0.1)	0.2 (±0.2)	0.0 (±0.1)	0.0 (±0.1)	
32	167,074	126,072	124,080 (±2,920)	46.1 (±1.5)	4.3 (±0.5)	0.1 (±0.1)	0.0(±0.1)	46.8 (±1.2)	0.3 (±0.1)	1.7 (±0.3)	0.0 (±0.1)	0.4 (±0.2)	0.3 (±0.1)	0.1 (±0.1)	
33	172,135	119,518	115,655 (±2,731)	9.9 (±0.9)	6.1 (±0.7)	0.2 (±0.2)	0.1(±0.1)	77.9 (±1.1)	0.4 (±0.2)	3.9 (±0.6)	0.1 (±0.1)	0.6 (±0.2)	0.4 (±0.2)	0.2 (±0.2)	
34	173,149	125,896	117,465 (±3,003)	67.4 (±1.6)	3.4 (±0.5)	0.0 (±0.1)	0.0(±0.1)	28.0 (±1.0)	0.2 (±0.2)	0.5 (±0.2)	0.1 (±0.1)	0.2 (±0.2)	0.1 (±0.2)	0.0 (±0.1)	
35	168,627	109,154	77,585 (±2,538)	80.1 (±1.7)	0.4 (±0.2)	0.0 (±0.1)	0.0(±0.1)	18.6 (±1.3)	0.0 (±0.1)	0.6 (±0.3)	0.0 (±0.1)	0.1 (±0.2)	0.1 (±0.2)	0.0 (±0.1)	
36	168,963	110,963	76,060 (±2,839)	87.1 (±1.5)	0.4 (±0.2)	0.0 (±0.2)	0.0(±0.2)	11.9 (±1.1)	0.1 (±0.2)	0.4 (±0.2)	0.0 (±0.2)	0.1 (±0.2)	0.0 (±0.2)	0.0 (±0.2)	
37	169,088	113,454	78,885 (±2,323)	83.7 (±1.3)	0.4 (±0.2)	0.0 (±0.2)	0.0(±0.2)	15.5 (±1.1)	0.1 (±0.2)	0.2 (±0.2)	0.0 (±0.2)	0.1 (±0.2)	0.0 (±0.2)	0.0 (±0.2)	
38	168,214	110,865	92,195 (±2,979)	84.7 (±1.5)	0.4 (±0.2)	0.0 (±0.1)	0.0(±0.1)	13.5 (±1.0)	0.1 (±0.1)	1.0 (±0.3)	0.0 (±0.1)	0.1 (±0.2)	0.0 (±0.1)	0.1 (±0.2)	
39	168,659	110,751	85,015 (±2,934)	84.7 (±1.5)	0.2 (±0.2)	0.0 (±0.2)	0.0(±0.2)	14.6 (±1.2)	0.2 (±0.2)	0.2 (±0.2)	0.0 (±0.1)	0.0 (±0.1)	0.0 (±0.2)	0.0 (±0.1)	
40	168,662	108,086	79,875 (±3,099)	89.3 (±1.6)	1.4 (±0.3)	0.1 (±0.2)	0.0(±0.1)	8.2 (±0.9)	0.1 (±0.2)	0.8 (±0.3)	0.0 (±0.1)	0.1 (±0.1)	0.0 (±0.1)	0.0 (±0.1)	
41	168,776	115,033	88,365 (±2,968)	79.0 (±1.7)	0.5 (±0.2)	0.1 (±0.1)	0.0(±0.1)	17.9 (±1.1)	0.1 (±0.2)	2.2 (±0.5)	0.0 (±0.1)	0.1 (±0.1)	0.0 (±0.1)	0.0 (±0.1)	
42	167,668	111,699	84,125 (±2,400)	93.6 (±0.9)	0.4 (±0.2)	0.0 (±0.2)	0.0(±0.2)	5.4 (±0.6)	0.1 (±0.2)	0.5 (±0.3)	0.0 (±0.2)	0.0 (±0.2)	0.1 (±0.2)	0.0 (±0.2)	
43	169,564	124,492	120,575 (±2,893)	59.2 (±1.5)	3.7 (±0.4)	0.1 (±0.1)	0.0(±0.1)	35.8 (±1.0)	0.1 (±0.1)	0.6 (±0.2)	0.0 (±0.1)	0.4 (±0.2)	0.0 (±0.1)	0.0 (±0.1)	
44	174,451	126,713	125,720 (±2,673)	30.9 (±1.4)	5.3 (±0.6)	0.2 (±0.2)	0.0(±0.1)	60.9 (±1.0)	0.2 (±0.1)	1.1 (±0.2)	0.1 (±0.1)	0.5 (±0.2)	0.2 (±0.1)	0.4 (±0.2)	
45	167,604	126,549	124,330 (±3,187)	27.5 (±1.4)	3.5 (±0.6)	0.1 (±0.1)	0.0(±0.1)	66.7 (±1.1)	0.4 (±0.2)	1.0 (±0.2)	0.0 (±0.1)	0.5 (±0.2)	0.2 (±0.1)	0.1 (±0.1)	
46	166,410	118,539	94,335 (±2,518)	27.2 (±1.5)	25.3 (±1.4)	0.3 (±0.2)	0.2(±0.2)	41.6 (±1.3)	0.3 (±0.2)	4.2 (±0.8)	0.0 (±0.1)	0.4 (±0.2)	0.2 (±0.2)	0.1 (±0.2)	
47	175,314	127,689	125,095 (±2,576)	12.3 (±0.9)	1.7 (±0.4)	0.2 (±0.1)	0.0(±0.1)	80.3 (±0.8)	0.1 (±0.1)	4.1 (±0.5)	0.1 (±0.1)	0.5 (±0.2)	0.5 (±0.2)	0.1 (±0.1)	
48	173,008	135,585	127,810 (±2,462)	17.5 (±1.0)	3.2 (±0.5)	0.3 (±0.2)	0.0(±0.1)	74.4 (±0.7)	0.3 (±0.1)	3.3 (±0.5)	0.1 (±0.1)	0.4 (±0.2)	0.5 (±0.2)	0.1 (±0.1)	
49	167,309	144,371	130,085 (±3,439)	15.5 (±0.9)	4.6 (±0.6)	0.2 (±0.1)	0.1(±0.2)	73.1 (±0.6)	0.2 (±0.2)	4.7 (±0.5)	0.0 (±0.1)	0.6 (±0.2)	0.7 (±0.2)	0.2 (±0.1)	
50	166,516	124,252	110,735 (±2,788)	19.8 (±1.3)	11.9 (±1.2)	0.4 (±0.2)	0.2(±0.2)	57.5 (±1.2)	0.3 (±0.2)	8.5 (±0.8)	0.1 (±0.1)	0.5 (±0.2)	0.6 (±0.2)	0.3 (±0.2)	
51	175,709	128,793	98,320 (±2,727)	42.6 (±1.7)	11.9 (±1.1)	0.4 (±0.2)	0.2(±0.2)	41.5 (±1.3)	0.3 (±0.2)	1.9 (±0.4)	0.0 (±0.1)	0.5 (±0.2)	0.3 (±0.2)	0.3 (±0.2)	

The American Community Survey provided estimated citizen voting age population (CVAP) data at the block group level in a Special Tabulation. All block groups with more than 50% of the population in a district are included in the



American Community Survey Special Tabulation  
HOUSE DISTRICTS - PLANH358

2010 Census			Special Tabulation of Citizen Voting Age Population (CVAP) from the 2009-2013 American Community Survey with Margins of Error												
			CVAP	Hispanic CVAP	Not Hispanic or Latino Citizen Voting Age Population (CVAP)										
					% Black			% American		% Native		% American		% Asian	% Remainder
					% Black Alone	% Black + White	+ American Indian	% White Alone	Indian Alone	%Asian Alone	Hawaiian Alone	Indian + White	+ White		
District	Total	VAP	CVAP	% Hispanic											
52	165,994	114,146	111,445 (±2,924)	23.2 (±1.4)	8.9 (±0.9)	0.5 (±0.2)	0.0(±0.1)	62.8 (±1.5)	0.4 (±0.2)	3.0 (±0.6)	0.0 (±0.1)	0.4 (±0.2)	0.4 (±0.2)	0.2 (±0.2)	
53	162,897	127,381	123,515 (±2,792)	24.8 (±1.2)	1.6 (±0.4)	0.0 (±0.1)	0.0(±0.1)	72.2 (±0.9)	0.3 (±0.1)	0.3 (±0.2)	0.0 (±0.1)	0.5 (±0.2)	0.1 (±0.1)	0.1 (±0.1)	
54	167,736	117,164	112,385 (±3,320)	17.8 (±1.5)	23.5 (±1.5)	0.7 (±0.3)	0.1(±0.1)	51.6 (±1.5)	0.6 (±0.2)	3.0 (±0.5)	0.8 (±0.3)	0.3 (±0.1)	0.9 (±0.3)	0.7 (±0.3)	
55	162,176	119,755	116,635 (±2,783)	16.0 (±1.0)	15.5 (±1.0)	0.5 (±0.2)	0.2(±0.2)	64.4 (±1.1)	0.5 (±0.2)	1.4 (±0.3)	0.3 (±0.2)	0.6 (±0.2)	0.5 (±0.2)	0.2 (±0.1)	
56	163,869	123,411	117,985 (±2,622)	14.2 (±1.0)	10.6 (±0.9)	0.2 (±0.2)	0.0(±0.1)	72.6 (±1.0)	0.4 (±0.2)	1.3 (±0.3)	0.0 (±0.1)	0.3 (±0.2)	0.2 (±0.1)	0.1 (±0.1)	
57	164,418	124,630	118,140 (±2,852)	9.2 (±0.9)	16.8 (±1.0)	0.1 (±0.2)	0.0(±0.1)	72.8 (±1.0)	0.3 (±0.1)	0.3 (±0.2)	0.0 (±0.1)	0.4 (±0.2)	0.0 (±0.1)	0.1 (±0.1)	
58	169,146	123,826	118,105 (±2,666)	11.3 (±0.9)	2.6 (±0.5)	0.1 (±0.1)	0.0(±0.1)	84.2 (±0.9)	0.5 (±0.2)	0.4 (±0.2)	0.1 (±0.2)	0.6 (±0.2)	0.1 (±0.1)	0.1 (±0.1)	
59	163,609	122,193	118,030 (±2,640)	13.1 (±0.9)	7.8 (±0.7)	0.2 (±0.2)	0.1(±0.1)	75.9 (±0.9)	0.4 (±0.2)	0.8 (±0.2)	0.2 (±0.2)	0.9 (±0.2)	0.2 (±0.1)	0.3 (±0.2)	
60	171,429	131,870	127,825 (±2,616)	9.5 (±0.7)	1.8 (±0.3)	0.1 (±0.1)	0.1(±0.1)	86.9 (±0.7)	0.4 (±0.2)	0.4 (±0.2)	0.0 (±0.1)	0.6 (±0.2)	0.2 (±0.1)	0.0 (±0.1)	
61	176,054	130,782	128,065 (±2,722)	7.7 (±0.7)	1.7 (±0.3)	0.0 (±0.1)	0.0(±0.1)	88.5 (±0.7)	0.9 (±0.2)	0.5 (±0.2)	0.0 (±0.1)	0.5 (±0.2)	0.1 (±0.1)	0.0 (±0.1)	
62	160,023	122,203	117,530 (±2,410)	5.7 (±0.6)	6.0 (±0.6)	0.2 (±0.2)	0.0(±0.1)	85.0 (±0.7)	1.1 (±0.2)	0.6 (±0.2)	0.1 (±0.1)	1.0 (±0.3)	0.1 (±0.1)	0.1 (±0.1)	
63	167,337	115,634	113,605 (±2,348)	9.8 (±0.8)	4.1 (±0.6)	0.2 (±0.2)	0.2(±0.2)	80.8 (±0.9)	0.4 (±0.2)	3.5 (±0.5)	0.1 (±0.1)	0.7 (±0.2)	0.3 (±0.2)	0.1 (±0.1)	
64	167,588	129,175	116,875 (±2,745)	11.5 (±0.9)	9.2 (±0.8)	0.5 (±0.2)	0.1(±0.1)	75.0 (±1.0)	0.3 (±0.1)	1.9 (±0.4)	0.1 (±0.1)	0.8 (±0.2)	0.4 (±0.2)	0.3 (±0.2)	
65	165,742	124,977	109,350 (±2,600)	12.6 (±1.0)	13.8 (±1.2)	0.7 (±0.3)	0.1(±0.1)	62.3 (±1.4)	0.3 (±0.2)	8.5 (±0.8)	0.1 (±0.1)	0.8 (±0.2)	0.3 (±0.2)	0.4 (±0.2)	
66	172,129	130,796	113,390 (±2,427)	7.2 (±0.7)	8.9 (±0.9)	0.2 (±0.2)	0.1(±0.2)	69.7 (±1.0)	0.4 (±0.2)	12.1 (±0.9)	0.1 (±0.1)	0.7 (±0.2)	0.6 (±0.2)	0.1 (±0.1)	
67	172,141	126,368	111,250 (±2,433)	8.9 (±0.9)	7.3 (±0.9)	0.2 (±0.2)	0.0(±0.1)	70.1 (±1.0)	0.5 (±0.2)	11.5 (±0.9)	0.2 (±0.2)	0.5 (±0.2)	0.7 (±0.2)	0.2 (±0.2)	
68	160,508	121,547	112,760 (±2,116)	13.6 (±0.7)	3.8 (±0.4)	0.2 (±0.2)	0.0(±0.1)	80.9 (±0.8)	0.5 (±0.2)	0.4 (±0.2)	0.1 (±0.2)	0.6 (±0.2)	0.1 (±0.1)	0.0 (±0.1)	
69	160,087	123,063	117,450 (±2,316)	11.1 (±0.7)	8.5 (±0.7)	0.3 (±0.2)	0.0(±0.1)	77.2 (±0.9)	0.6 (±0.2)	1.3 (±0.3)	0.0 (±0.1)	0.7 (±0.2)	0.2 (±0.2)	0.1 (±0.2)	
70	172,135	117,432	110,995 (±2,630)	11.0 (±1.0)	9.8 (±1.1)	0.1 (±0.1)	0.0(±0.1)	75.3 (±1.0)	0.4 (±0.2)	2.7 (±0.5)	0.0 (±0.1)	0.3 (±0.2)	0.2 (±0.1)	0.1 (±0.1)	
71	166,924	127,097	123,650 (±3,017)	19.0 (±0.9)	7.6 (±0.8)	0.1 (±0.1)	0.1(±0.1)	71.2 (±0.7)	0.4 (±0.2)	0.9 (±0.2)	0.1 (±0.1)	0.5 (±0.2)	0.2 (±0.1)	0.1 (±0.1)	
72	170,479	130,771	123,075 (±2,618)	29.0 (±1.3)	4.3 (±0.5)	0.2 (±0.2)	0.0(±0.1)	64.6 (±0.8)	0.4 (±0.2)	0.8 (±0.2)	0.1 (±0.1)	0.4 (±0.2)	0.1 (±0.1)	0.1 (±0.1)	
73	166,719	127,882	126,130 (±2,865)	17.2 (±1.1)	1.4 (±0.3)	0.1 (±0.1)	0.0(±0.1)	79.7 (±0.9)	0.1 (±0.1)	0.6 (±0.2)	0.1 (±0.1)	0.7 (±0.2)	0.2 (±0.1)	0.1 (±0.1)	
74	162,357	115,236	91,345 (±2,485)	71.7 (±1.5)	2.2 (±0.4)	0.1 (±0.2)	0.0(±0.2)	24.6 (±1.0)	0.8 (±0.3)	0.2 (±0.2)	0.0 (±0.2)	0.2 (±0.2)	0.1 (±0.2)	0.0 (±0.2)	
75	159,691	103,209	77,455 (±2,689)	88.4 (±1.4)	1.3 (±0.5)	0.1 (±0.2)	0.0(±0.2)	8.9 (±1.2)	0.5 (±0.3)	0.4 (±0.3)	0.0 (±0.2)	0.1 (±0.2)	0.1 (±0.2)	0.1 (±0.2)	
76	159,752	116,389	94,705 (±2,507)	84.6 (±1.1)	3.3 (±0.6)	0.1 (±0.2)	0.1(±0.2)	11.2 (±0.9)	0.2 (±0.2)	0.4 (±0.2)	0.0 (±0.2)	0.1 (±0.2)	0.0 (±0.1)	0.1 (±0.2)	
77	160,385	115,924	90,830 (±2,529)	70.2 (±1.6)	3.8 (±0.5)	0.2 (±0.2)	0.0(±0.2)	22.9 (±1.0)	0.4 (±0.2)	1.5 (±0.4)	0.2 (±0.2)	0.3 (±0.2)	0.1 (±0.2)	0.2 (±0.2)	

The American Community Survey provided estimated citizen voting age population (CVAP) data at the block group level in a Special Tabulation. All block groups with more than 50% of the population in a district are included in the



American Community Survey Special Tabulation  
HOUSE DISTRICTS - PLANH358

2010 Census			Special Tabulation of Citizen Voting Age Population (CVAP) from the 2009-2013 American Community Survey with Margins of Error												
			CVAP	Hispanic CVAP  % Hispanic	Not Hispanic or Latino Citizen Voting Age Population (CVAP)										
					% Black			% American		% Native		% American		% Asian + White	% Remainder 2 or More Other
					% Black Alone	% Black + White	+ American Indian	% White Alone	Indian Alone	%Asian Alone	Hawaiian Alone	Indian + White			
District	Total	VAP	CVAP	% Hispanic	% Black Alone	% Black + White	+ American Indian	% White Alone	Indian Alone	%Asian Alone	Hawaiian Alone	Indian + White	% Asian + White	% Remainder 2 or More Other	
78	160,161	111,913	98,925 (±2,476)	59.4 (±1.5)	5.7 (±0.7)	0.3 (±0.2)	0.0(±0.1)	31.6 (±1.3)	0.3 (±0.2)	1.8 (±0.4)	0.1 (±0.2)	0.2 (±0.1)	0.5 (±0.2)	0.2 (±0.1)	
79	160,658	112,399	98,435 (±2,776)	77.8 (±1.5)	3.4 (±0.5)	0.1 (±0.1)	0.1(±0.1)	17.0 (±1.0)	0.4 (±0.2)	0.8 (±0.3)	0.1 (±0.1)	0.1 (±0.1)	0.2 (±0.2)	0.1 (±0.1)	
80	161,949	106,402	86,650 (±2,847)	83.3 (±1.4)	1.0 (±0.3)	0.1 (±0.2)	0.0(±0.1)	15.5 (±1.1)	0.1 (±0.1)	0.1 (±0.2)	0.0 (±0.1)	0.0 (±0.1)	0.0 (±0.1)	0.0 (±0.1)	
81	169,684	120,535	108,980 (±2,590)	42.3 (±1.4)	4.1 (±0.6)	0.1 (±0.2)	0.0(±0.1)	51.8 (±1.2)	0.3 (±0.2)	0.6 (±0.2)	0.0 (±0.1)	0.6 (±0.2)	0.0 (±0.1)	0.1 (±0.2)	
82	163,234	118,623	113,415 (±2,760)	32.3 (±1.5)	6.4 (±0.7)	0.2 (±0.2)	0.1(±0.1)	59.3 (±1.1)	0.4 (±0.2)	0.8 (±0.3)	0.0 (±0.1)	0.4 (±0.2)	0.1 (±0.1)	0.1 (±0.1)	
83	173,918	127,906	123,330 (±2,602)	26.5 (±1.2)	4.1 (±0.4)	0.3 (±0.2)	0.0(±0.1)	67.1 (±1.0)	0.4 (±0.2)	0.9 (±0.3)	0.0 (±0.1)	0.6 (±0.2)	0.2 (±0.2)	0.0 (±0.1)	
84	167,970	128,898	124,075 (±3,073)	29.7 (±1.4)	8.7 (±0.7)	0.2 (±0.2)	0.1(±0.1)	58.7 (±1.3)	0.3 (±0.1)	1.3 (±0.3)	0.1 (±0.1)	0.3 (±0.1)	0.2 (±0.1)	0.3 (±0.2)	
85	160,182	113,433	102,620 (±2,716)	28.7 (±1.6)	14.6 (±1.1)	0.1 (±0.1)	0.0(±0.1)	48.3 (±1.3)	0.2 (±0.2)	7.6 (±0.8)	0.0 (±0.1)	0.2 (±0.1)	0.1 (±0.1)	0.2 (±0.2)	
86	165,183	121,555	115,915 (±2,397)	19.7 (±1.1)	2.1 (±0.3)	0.1 (±0.1)	0.0(±0.1)	76.4 (±0.8)	0.4 (±0.2)	0.8 (±0.2)	0.0 (±0.1)	0.5 (±0.2)	0.1 (±0.1)	0.1 (±0.1)	
87	174,343	125,360	109,320 (±2,225)	23.7 (±1.2)	7.8 (±0.7)	0.3 (±0.2)	0.2(±0.2)	65.0 (±0.9)	0.7 (±0.2)	1.6 (±0.3)	0.1 (±0.1)	0.5 (±0.2)	0.1 (±0.1)	0.1 (±0.2)	
88	160,896	115,622	103,670 (±2,034)	33.3 (±1.2)	3.8 (±0.4)	0.1 (±0.2)	0.2(±0.2)	60.9 (±0.7)	0.4 (±0.2)	0.4 (±0.2)	0.0 (±0.1)	0.8 (±0.2)	0.0 (±0.2)	0.0 (±0.1)	
89	172,138	118,380	116,895 (±2,992)	9.3 (±0.8)	9.5 (±1.2)	0.2 (±0.1)	0.0(±0.1)	72.4 (±1.2)	0.3 (±0.2)	7.5 (±0.9)	0.0 (±0.1)	0.3 (±0.1)	0.3 (±0.2)	0.1 (±0.1)	
90	159,684	105,664	71,770 (±2,274)	52.1 (±1.8)	18.6 (±1.4)	0.1 (±0.2)	0.1(±0.2)	27.9 (±1.2)	0.3 (±0.2)	0.5 (±0.3)	0.0 (±0.2)	0.2 (±0.2)	0.1 (±0.2)	0.1 (±0.2)	
91	162,838	119,048	108,845 (±2,647)	13.0 (±1.1)	5.0 (±0.8)	0.2 (±0.2)	0.3(±0.3)	75.9 (±1.0)	0.5 (±0.3)	4.2 (±0.6)	0.1 (±0.2)	0.6 (±0.2)	0.3 (±0.2)	0.1 (±0.2)	
92	162,326	126,290	116,980 (±2,548)	11.5 (±1.0)	11.3 (±1.0)	0.3 (±0.2)	0.0(±0.1)	70.3 (±1.0)	0.2 (±0.1)	4.6 (±0.6)	0.6 (±0.3)	0.5 (±0.2)	0.4 (±0.2)	0.2 (±0.2)	
93	162,161	113,584	103,455 (±3,090)	16.6 (±1.3)	13.0 (±1.2)	0.2 (±0.2)	0.1(±0.1)	64.1 (±1.5)	0.5 (±0.2)	4.1 (±0.6)	0.3 (±0.2)	0.5 (±0.2)	0.3 (±0.2)	0.2 (±0.3)	
94	167,374	125,516	114,195 (±2,455)	11.4 (±0.9)	12.6 (±1.0)	0.2 (±0.2)	0.0(±0.1)	69.8 (±1.0)	0.6 (±0.2)	4.4 (±0.6)	0.0 (±0.1)	0.5 (±0.2)	0.3 (±0.2)	0.2 (±0.1)	
95	161,634	115,752	96,150 (±2,408)	14.7 (±1.0)	49.4 (±1.6)	0.2 (±0.2)	0.2(±0.2)	32.9 (±1.1)	0.4 (±0.2)	1.3 (±0.4)	0.0 (±0.2)	0.5 (±0.2)	0.1 (±0.2)	0.2 (±0.2)	
96	164,930	113,924	109,035 (±2,811)	11.1 (±1.0)	18.7 (±1.4)	0.3 (±0.2)	0.1(±0.1)	65.5 (±1.2)	0.2 (±0.2)	3.1 (±0.5)	0.2 (±0.3)	0.4 (±0.2)	0.3 (±0.2)	0.1 (±0.1)	
97	168,869	131,311	122,870 (±2,732)	12.4 (±1.0)	13.4 (±1.1)	0.2 (±0.2)	0.1(±0.1)	70.5 (±0.8)	0.3 (±0.2)	2.5 (±0.5)	0.0 (±0.1)	0.3 (±0.2)	0.3 (±0.2)	0.1 (±0.1)	
98	164,081	114,953	114,875 (±2,600)	7.5 (±0.9)	2.7 (±0.5)	0.1 (±0.1)	0.1(±0.1)	83.7 (±0.7)	0.4 (±0.2)	4.2 (±0.6)	0.1 (±0.1)	0.7 (±0.3)	0.3 (±0.1)	0.2 (±0.1)	
99	170,473	125,722	116,830 (±2,877)	16.2 (±1.1)	4.6 (±0.7)	0.2 (±0.2)	0.0(±0.1)	74.7 (±0.9)	0.6 (±0.2)	2.1 (±0.5)	0.1 (±0.1)	0.7 (±0.2)	0.2 (±0.1)	0.5 (±0.3)	
100	161,143	117,479	97,410 (±2,567)	20.4 (±1.3)	47.0 (±1.5)	0.3 (±0.2)	0.3(±0.3)	29.8 (±1.1)	0.2 (±0.2)	1.1 (±0.3)	0.1 (±0.2)	0.4 (±0.2)	0.1 (±0.2)	0.3 (±0.3)	
101	164,664	110,209	92,990 (±2,870)	22.2 (±1.7)	29.7 (±1.9)	0.6 (±0.3)	0.1(±0.2)	35.5 (±1.4)	0.3 (±0.2)	10.9 (±1.2)	0.1 (±0.1)	0.2 (±0.2)	0.4 (±0.2)	0.1 (±0.1)	
102	161,136	122,520	96,850 (±2,335)	11.7 (±1.1)	14.4 (±1.1)	0.2 (±0.2)	0.1(±0.2)	65.0 (±1.0)	0.2 (±0.2)	6.8 (±0.7)	0.2 (±0.2)	0.6 (±0.2)	0.3 (±0.2)	0.4 (±0.3)	
103	170,948	121,837	71,970 (±2,118)	40.8 (±1.8)	13.8 (±1.3)	0.1 (±0.2)	0.7(±0.4)	39.0 (±1.2)	0.1 (±0.2)	3.7 (±0.6)	0.0 (±0.2)	1.0 (±0.4)	0.3 (±0.2)	0.5 (±0.3)	

The American Community Survey provided estimated citizen voting age population (CVAP) data at the block group level in a Special Tabulation. All block groups with more than 50% of the population in a district are included in the

American Community Survey Special Tabulation  
HOUSE DISTRICTS - PLANH358

2010 Census			Special Tabulation of Citizen Voting Age Population (CVAP) from the 2009-2013 American Community Survey with Margins of Error												
			CVAP	Hispanic CVAP	Not Hispanic or Latino										
					Citizen Voting Age Population (CVAP)										
					% Black Alone	% Black + White	% Black + American Indian	% White Alone	% American Indian Alone	%Asian Alone	% Native Hawaiian Alone	% American Indian + White	% Asian + White	% Remainder 2 or More Other	
District	Total	VAP	CVAP	% Hispanic											
104	172,784	115,035	78,780 (±2,416)	54.4 (±1.9)	17.9 (±1.3)	0.2 (±0.2)	0.1(±0.2)	25.3 (±1.3)	0.4 (±0.3)	1.3 (±0.4)	0.0 (±0.2)	0.2 (±0.2)	0.1 (±0.2)	0.1 (±0.2)	
105	175,728	127,590	95,900 (±2,538)	27.3 (±1.6)	14.8 (±1.1)	0.2 (±0.2)	0.1(±0.2)	51.1 (±1.2)	0.4 (±0.2)	5.5 (±0.7)	0.0 (±0.2)	0.3 (±0.2)	0.1 (±0.2)	0.2 (±0.2)	
106	161,947	110,568	107,290 (±2,749)	9.9 (±1.0)	8.1 (±1.0)	0.3 (±0.2)	0.1(±0.2)	76.1 (±1.2)	0.3 (±0.2)	4.3 (±0.7)	0.0 (±0.1)	0.4 (±0.2)	0.4 (±0.2)	0.1 (±0.1)	
107	171,872	123,986	108,045 (±2,691)	19.5 (±1.3)	17.4 (±1.4)	0.2 (±0.2)	0.2(±0.2)	57.9 (±1.1)	0.3 (±0.2)	3.6 (±0.5)	0.0 (±0.1)	0.6 (±0.2)	0.2 (±0.2)	0.1 (±0.1)	
108	163,233	133,667	122,505 (±2,453)	12.6 (±0.9)	7.1 (±0.7)	0.3 (±0.2)	0.4(±0.2)	74.3 (±0.7)	0.3 (±0.2)	3.4 (±0.5)	0.1 (±0.1)	0.8 (±0.2)	0.4 (±0.2)	0.3 (±0.2)	
109	174,223	122,347	112,780 (±2,842)	12.9 (±1.0)	61.8 (±1.6)	0.4 (±0.3)	0.2(±0.1)	23.4 (±1.0)	0.2 (±0.1)	0.8 (±0.3)	0.1 (±0.1)	0.2 (±0.1)	0.0 (±0.1)	0.1 (±0.1)	
110	167,508	111,827	83,885 (±2,610)	28.6 (±1.7)	56.0 (±1.7)	0.2 (±0.2)	0.1(±0.2)	14.6 (±1.0)	0.1 (±0.2)	0.3 (±0.3)	0.0 (±0.2)	0.1 (±0.2)	0.0 (±0.2)	0.1 (±0.2)	
111	166,963	118,393	103,410 (±2,784)	17.0 (±1.3)	56.6 (±1.6)	0.2 (±0.2)	0.1(±0.1)	24.2 (±1.1)	0.1 (±0.1)	1.4 (±0.3)	0.0 (±0.1)	0.1 (±0.1)	0.1 (±0.1)	0.1 (±0.2)	
112	167,051	120,192	97,965 (±2,668)	17.3 (±1.4)	14.0 (±1.2)	0.3 (±0.2)	1.3(±0.4)	54.9 (±1.2)	0.1 (±0.1)	10.0 (±1.1)	0.1 (±0.1)	1.5 (±0.4)	0.2 (±0.2)	0.3 (±0.2)	
113	171,418	120,834	106,040 (±2,701)	18.0 (±1.3)	20.0 (±1.3)	0.4 (±0.3)	0.5(±0.2)	53.5 (±1.3)	0.3 (±0.1)	6.4 (±0.8)	0.1 (±0.1)	0.5 (±0.2)	0.2 (±0.2)	0.1 (±0.2)	
114	172,330	130,817	105,540 (±2,278)	11.4 (±0.9)	17.1 (±1.2)	0.0 (±0.2)	0.2(±0.2)	68.2 (±0.7)	0.3 (±0.2)	2.0 (±0.4)	0.0 (±0.1)	0.3 (±0.2)	0.2 (±0.2)	0.1 (±0.2)	
115	171,802	127,352	100,760 (±2,378)	16.9 (±1.2)	11.8 (±1.1)	0.3 (±0.2)	0.2(±0.2)	58.5 (±1.0)	0.5 (±0.2)	11.0 (±0.9)	0.0 (±0.1)	0.3 (±0.2)	0.5 (±0.4)	0.1 (±0.1)	
116	171,463	132,823	115,470 (±2,903)	58.7 (±1.6)	5.3 (±0.7)	0.2 (±0.2)	0.1(±0.1)	32.3 (±1.2)	0.2 (±0.2)	2.0 (±0.4)	0.1 (±0.2)	0.3 (±0.2)	0.5 (±0.2)	0.2 (±0.2)	
117	168,692	117,126	111,045 (±3,035)	58.0 (±1.7)	6.0 (±0.7)	0.2 (±0.1)	0.1(±0.1)	32.3 (±1.2)	0.2 (±0.1)	1.9 (±0.4)	0.2 (±0.2)	0.3 (±0.1)	0.4 (±0.2)	0.3 (±0.2)	
118	164,436	116,859	106,575 (±2,997)	67.4 (±1.7)	3.1 (±0.5)	0.1 (±0.1)	0.0(±0.1)	28.1 (±1.0)	0.3 (±0.2)	0.7 (±0.2)	0.1 (±0.2)	0.2 (±0.1)	0.1 (±0.1)	0.1 (±0.1)	
119	159,981	114,477	106,465 (±2,745)	59.5 (±1.6)	9.6 (±0.9)	0.2 (±0.2)	0.1(±0.1)	28.5 (±1.1)	0.2 (±0.2)	0.9 (±0.3)	0.0 (±0.1)	0.6 (±0.3)	0.2 (±0.2)	0.2 (±0.2)	
120	175,132	124,829	114,810 (±2,965)	37.9 (±1.6)	26.5 (±1.2)	0.5 (±0.3)	0.4(±0.3)	30.6 (±1.1)	0.3 (±0.2)	1.9 (±0.4)	0.3 (±0.3)	0.3 (±0.2)	0.5 (±0.2)	0.6 (±0.2)	
121	174,867	133,224	128,905 (±2,866)	30.0 (±1.3)	5.7 (±0.7)	0.3 (±0.2)	0.0(±0.1)	61.0 (±1.1)	0.3 (±0.2)	1.7 (±0.4)	0.2 (±0.2)	0.3 (±0.2)	0.3 (±0.1)	0.2 (±0.2)	
122	175,184	128,725	124,270 (±2,576)	26.7 (±1.3)	3.4 (±0.5)	0.0 (±0.1)	0.1(±0.1)	64.8 (±1.2)	0.2 (±0.2)	3.9 (±0.6)	0.1 (±0.1)	0.3 (±0.1)	0.4 (±0.2)	0.2 (±0.1)	
123	175,674	135,763	119,930 (±2,981)	63.9 (±1.4)	4.0 (±0.6)	0.1 (±0.1)	0.0(±0.1)	30.6 (±1.1)	0.2 (±0.2)	0.8 (±0.2)	0.0 (±0.1)	0.1 (±0.1)	0.1 (±0.1)	0.1 (±0.2)	
124	174,795	120,503	115,090 (±3,161)	63.8 (±1.7)	8.1 (±1.0)	0.3 (±0.2)	0.0(±0.1)	24.8 (±1.1)	0.2 (±0.1)	2.0 (±0.4)	0.0 (±0.1)	0.3 (±0.2)	0.4 (±0.2)	0.1 (±0.1)	
125	174,549	125,158	115,800 (±2,763)	65.9 (±1.5)	4.9 (±0.7)	0.2 (±0.2)	0.1(±0.1)	26.3 (±1.0)	0.1 (±0.1)	1.8 (±0.4)	0.0 (±0.1)	0.2 (±0.2)	0.3 (±0.2)	0.2 (±0.2)	
126	169,256	123,014	99,335 (±2,751)	19.8 (±1.5)	17.4 (±1.3)	0.1 (±0.1)	0.0(±0.1)	51.8 (±1.3)	0.4 (±0.3)	9.6 (±0.9)	0.0 (±0.1)	0.4 (±0.2)	0.2 (±0.1)	0.1 (±0.2)	
127	163,983	115,865	114,290 (±2,879)	15.7 (±1.2)	13.5 (±1.3)	0.2 (±0.2)	0.1(±0.1)	67.1 (±1.2)	0.2 (±0.2)	2.1 (±0.4)	0.3 (±0.3)	0.4 (±0.2)	0.3 (±0.2)	0.1 (±0.1)	
128	172,221	124,645	116,020 (±2,888)	19.9 (±1.3)	10.4 (±1.1)	0.2 (±0.2)	0.0(±0.1)	66.4 (±1.1)	0.6 (±0.2)	1.7 (±0.4)	0.0 (±0.1)	0.6 (±0.3)	0.1 (±0.1)	0.1 (±0.1)	
129	174,127	130,457	121,280 (±2,930)	18.2 (±1.3)	8.9 (±1.0)	0.3 (±0.2)	0.1(±0.1)	62.9 (±1.0)	0.3 (±0.2)	8.3 (±1.0)	0.1 (±0.1)	0.5 (±0.3)	0.4 (±0.2)	0.2 (±0.1)	

The American Community Survey provided estimated citizen voting age population (CVAP) data at the block group level in a Special Tabulation. All block groups with more than 50% of the population in a district are included in the

American Community Survey Special Tabulation  
HOUSE DISTRICTS - PLANH358

2010 Census			Special Tabulation of Citizen Voting Age Population (CVAP) from the 2009-2013 American Community Survey with Margins of Error												
			CVAP	Hispanic CVAP  % Hispanic	Not Hispanic or Latino Citizen Voting Age Population (CVAP)										
					% Black		% American		% Native		% American		% Asian	% Remainder	
					% Black Alone	% Black + White	+ American Indian	% White Alone	Indian Alone	%Asian Alone	Hawaiian Alone	Indian + White			+ White
District	Total	VAP	CVAP	% Hispanic	% Black Alone	% Black + White	+ American Indian	% White Alone	Indian Alone	%Asian Alone	Hawaiian Alone	Indian + White	% Asian + White	% Remainder 2 or More Other	
130	175,532	122,108	119,770 (±2,847)	14.9 (±1.3)	7.7 (±0.9)	0.1 (±0.1)	0.0(±0.1)	71.6 (±1.2)	0.3 (±0.2)	4.7 (±0.6)	0.0 (±0.1)	0.4 (±0.2)	0.1 (±0.1)	0.1 (±0.1)	
131	175,227	121,368	93,535 (±2,983)	24.8 (±1.7)	54.5 (±2.0)	0.3 (±0.2)	0.1(±0.2)	13.2 (±1.0)	0.2 (±0.2)	6.2 (±0.8)	0.0 (±0.1)	0.1 (±0.2)	0.3 (±0.2)	0.2 (±0.2)	
132	172,973	117,666	109,150 (±3,154)	26.3 (±1.8)	14.7 (±1.4)	0.1 (±0.2)	0.1(±0.1)	52.4 (±1.2)	0.2 (±0.1)	5.2 (±0.8)	0.0 (±0.1)	0.4 (±0.2)	0.2 (±0.2)	0.2 (±0.2)	
133	171,401	135,423	114,530 (±2,796)	12.2 (±1.1)	9.6 (±1.2)	0.2 (±0.2)	0.0(±0.1)	70.2 (±0.7)	0.3 (±0.2)	6.3 (±0.7)	0.1 (±0.2)	0.6 (±0.3)	0.3 (±0.2)	0.1 (±0.1)	
134	174,421	143,575	130,040 (±2,586)	11.4 (±0.9)	4.8 (±0.6)	0.1 (±0.1)	0.0(±0.1)	74.7 (±0.8)	0.2 (±0.1)	8.0 (±0.7)	0.0 (±0.1)	0.2 (±0.2)	0.3 (±0.2)	0.3 (±0.2)	
135	172,422	121,136	99,750 (±2,933)	21.3 (±1.6)	17.5 (±1.5)	0.3 (±0.3)	0.0(±0.1)	50.0 (±1.4)	0.1 (±0.1)	10.1 (±1.1)	0.0 (±0.1)	0.2 (±0.1)	0.2 (±0.2)	0.1 (±0.1)	
136	164,376	116,361	113,740 (±2,738)	15.4 (±1.1)	5.1 (±0.8)	0.2 (±0.2)	0.0(±0.1)	72.8 (±1.2)	0.2 (±0.1)	4.9 (±0.6)	0.0 (±0.1)	0.5 (±0.2)	0.6 (±0.2)	0.3 (±0.2)	
137	171,079	127,834	64,375 (±2,377)	25.8 (±1.9)	30.1 (±2.1)	0.3 (±0.3)	0.1(±0.2)	32.5 (±1.5)	0.4 (±0.3)	9.8 (±1.1)	0.0 (±0.2)	0.2 (±0.2)	0.5 (±0.3)	0.2 (±0.3)	
138	173,059	124,435	98,420 (±2,701)	28.0 (±1.6)	10.9 (±1.3)	0.1 (±0.1)	0.0(±0.1)	50.3 (±1.3)	0.2 (±0.2)	9.7 (±1.0)	0.1 (±0.1)	0.3 (±0.2)	0.2 (±0.2)	0.4 (±0.3)	
139	175,733	123,875	100,540 (±2,776)	23.8 (±1.6)	49.7 (±1.6)	0.1 (±0.1)	0.1(±0.1)	21.6 (±1.0)	0.1 (±0.1)	4.1 (±0.6)	0.0 (±0.1)	0.2 (±0.2)	0.1 (±0.1)	0.2 (±0.2)	
140	170,732	112,332	69,415 (±2,552)	62.4 (±2.2)	17.0 (±1.5)	0.1 (±0.2)	0.1(±0.2)	17.2 (±1.2)	0.3 (±0.3)	2.8 (±0.8)	0.0 (±0.2)	0.0 (±0.2)	0.0 (±0.2)	0.0 (±0.2)	
141	166,498	113,951	92,390 (±2,829)	21.0 (±1.4)	62.5 (±1.6)	0.4 (±0.3)	0.2(±0.2)	13.5 (±1.2)	0.2 (±0.2)	1.6 (±0.4)	0.3 (±0.4)	0.1 (±0.1)	0.1 (±0.2)	0.2 (±0.2)	
142	159,541	113,288	91,845 (±2,711)	26.2 (±1.7)	50.6 (±1.6)	0.2 (±0.2)	0.1(±0.2)	20.3 (±1.1)	0.3 (±0.2)	2.1 (±0.5)	0.0 (±0.1)	0.1 (±0.2)	0.1 (±0.1)	0.2 (±0.2)	
143	167,215	113,877	84,625 (±2,678)	56.5 (±1.9)	18.0 (±1.3)	0.2 (±0.2)	0.1(±0.2)	23.7 (±1.6)	0.1 (±0.2)	1.0 (±0.4)	0.1 (±0.2)	0.2 (±0.2)	0.1 (±0.2)	0.1 (±0.2)	
144	161,859	108,509	75,785 (±2,295)	59.1 (±1.8)	4.4 (±0.7)	0.0 (±0.2)	0.1(±0.2)	34.9 (±1.4)	0.4 (±0.3)	0.5 (±0.3)	0.1 (±0.2)	0.3 (±0.2)	0.1 (±0.2)	0.1 (±0.2)	
145	164,574	116,918	83,645 (±2,505)	59.3 (±1.8)	8.4 (±0.9)	0.2 (±0.2)	0.0(±0.2)	28.4 (±1.3)	0.1 (±0.2)	3.1 (±0.6)	0.1 (±0.2)	0.3 (±0.3)	0.1 (±0.2)	0.1 (±0.2)	
146	174,485	130,444	97,195 (±2,715)	13.1 (±1.1)	55.6 (±1.7)	0.2 (±0.2)	0.1(±0.2)	24.7 (±1.1)	0.3 (±0.2)	5.0 (±0.6)	0.1 (±0.2)	0.2 (±0.2)	0.2 (±0.2)	0.5 (±0.3)	
147	175,873	136,034	114,905 (±2,933)	22.7 (±1.3)	43.4 (±1.3)	0.1 (±0.1)	0.1(±0.2)	28.9 (±1.0)	0.1 (±0.1)	4.3 (±0.6)	0.0 (±0.1)	0.1 (±0.1)	0.1 (±0.1)	0.2 (±0.2)	
148	170,811	125,873	91,615 (±2,800)	46.8 (±2.0)	9.7 (±1.2)	0.0 (±0.2)	0.0(±0.2)	40.1 (±1.1)	0.3 (±0.2)	2.4 (±0.4)	0.0 (±0.2)	0.1 (±0.2)	0.2 (±0.2)	0.3 (±0.2)	
149	170,702	121,535	89,230 (±2,957)	23.4 (±1.5)	27.7 (±1.9)	0.1 (±0.1)	0.2(±0.2)	27.0 (±1.4)	0.2 (±0.2)	20.4 (±1.3)	0.1 (±0.2)	0.2 (±0.2)	0.5 (±0.2)	0.2 (±0.2)	
150	168,735	120,462	109,725 (±2,754)	15.4 (±1.2)	12.7 (±1.1)	0.3 (±0.2)	0.2(±0.2)	66.0 (±1.2)	0.1 (±0.1)	4.7 (±0.6)	0.1 (±0.1)	0.2 (±0.1)	0.2 (±0.1)	0.1 (±0.1)	

The American Community Survey provided estimated citizen voting age population (CVAP) data at the block group level in a Special Tabulation. All block groups with more than 50% of the population in a district are included in the

# **EXHIBIT 7**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

- - - - -x

NEW YORK IMMIGRATION :  
COALITION, et al., :

Plaintiffs, :

v. : Case No.  
:

UNITED STATES DEPARTMENT :  
OF COMMERCE, et al., :

Defendants. :

- - - - -x

Friday, October 16, 2018  
Washington, D.C.

Videotaped Deposition of:

JOHN GORE,

called for oral examination by counsel for the  
Plaintiffs, pursuant to notice, at the law offices of  
Covington & Burling, LLP, One City Center, 850 Tenth  
Street, Northwest, Washington, D.C. 20001-4956,  
before Christina S. Hotsko, RPR, CRR, of Veritext  
Legal Solutions, a Notary Public in and for the  
District of Columbia, beginning at 9:05 a.m., when  
were present on behalf of the respective parties:

1 the 2020 census questionnaire, correct?

2 A. Correct.

3 Q. Is it fair to say that you wrote the  
4 first draft of the letter from the Department of  
5 Justice to the Census Bureau requesting a  
6 citizenship question on the 2020 census  
7 questionnaire?

8 A. Is that a question? I'm sorry. That  
9 sounded like a statement.

10 Q. No. It was a question.

11 A. Okay.

12 Q. Is it fair to say that you wrote the  
13 first draft of the letter from the Department of  
14 Justice to the Census Bureau requesting a  
15 citizenship question on the 2020 census  
16 questionnaire?

17 A. Yes.

18 Q. You write in this e-mail that you  
19 discussed the draft letter with Mr. Herren  
20 yesterday.

21 Would that have been your first  
22 conversation with Mr. Herren about the citizenship

1 was conveying there is that Mr. Gary didn't need  
2 to work late on a Friday night during the holiday  
3 season to send the letter out.

4 Q. So just so I understand the process here,  
5 you had -- you first had communications about the  
6 issue of a citizenship question sometime around  
7 Labor Day of 2017, correct?

8 A. Give or take, yes, that's correct.

9 Q. You drafted the initial draft of the  
10 letter to request the citizenship question  
11 sometime around the end of October or early  
12 November of 2017, correct?

13 A. Correct.

14 Q. The conversations to add the citizenship  
15 question with the Department of Commerce were not  
16 initiated by the civil rights division, correct?

17 A. Correct.

18 Q. And they were not initiated by the  
19 Department of Justice, correct?

20 A. That's my working understanding.

21 Q. Around the time that you wrote the first  
22 draft of this letter, you received input from



1 three individuals: Mr. Herren, Ms. Pickett, and  
2 Mr. Gary, correct?

3 A. Yes. And I may have received input from  
4 others as well.

5 Q. Around the time of the first draft of the  
6 letter in early November of 2017, who else did you  
7 receive input from other than Mr. Herren,  
8 Ms. Pickett, and Mr. Gary?

9 A. Mr. Aguinaga would have provided -- may  
10 have provided some input. I would have had  
11 discussions on -- regarding the letter generally  
12 with Patrick Hovakimian, who at the time was  
13 detailed to the Office of Associate Attorney  
14 General, and with Jesse Panuccio in the Office of  
15 the Associate Attorney General.

16 And I had various conversations with  
17 others at various times throughout this process.  
18 But I don't recall who else I would have spoken to  
19 at that particular moment in time, around  
20 November 1st of 2017.

21 Q. Okay. Around November 1st of 2017, the  
22 only career staff in the civil rights division

1 well. But I'm familiar that its current practice  
2 is to use the ACS data.

3 And the decennial census data obviously  
4 is only available every ten years, not every five  
5 years.

6 Q. I'd like to draw your attention back to  
7 this Exhibit 17, which is the December 12th,  
8 2017 -- I think we've been referring to it as the  
9 Gary letter.

10 A. Yes. Bear with me one moment. My  
11 exhibits are not in order.

12 Q. Okay.

13 A. Let me see if I can find it. Got it.  
14 Thank you.

15 Q. When you were -- do you see that you've  
16 cited several cases in this letter?

17 A. I see that the department has cited  
18 several cases in the letter. Yes.

19 Q. You drafted -- did the initial draft of  
20 this letter, correct?

21 A. That is correct.

22 Q. And when you were drafting the letter,

1 did you, personally, do the research that resulted  
2 in the citation to these particular cases or did  
3 someone else do it for you and send them to you?

4 MR. GARDNER: Objection. Calls for  
5 information subject to deliberative process  
6 privilege. I instruct the witness not to answer.

7 THE WITNESS: Consistent with that  
8 instruction, I can't answer.

9 BY MS. HULETT:

10 Q. So you can't tell me whether you chose  
11 these cases or whether someone else chose these  
12 cases for inclusion in the letter because that's  
13 deliberative process? I just want to make sure I  
14 understand what you're refusing to answer.

15 A. Yes. That's on the instruction of  
16 counsel.

17 Q. Okay. Did you read the opinions that are  
18 cited in the letter?

19 A. Yes, I did.

20 Q. How recently have you read the opinions?

21 A. Well, let me look at which opinions we're  
22 talking about.

# **EXHIBIT 8**

# Congress of the United States

## House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5051  
MINORITY (202) 225-5074

<http://oversight.house.gov>

### MEMORANDUM

March 14, 2019

**To: Committee Members**

**Fr: Majority Staff**

**Re: Supplemental Memo on Transcribed Interview with John Gore  
Regarding Addition of Citizenship Question to Census**

On March 7, 2019, staff of the Committee on Oversight and Reform conducted a transcribed interview with John Gore, the Principal Deputy Assistant Attorney General in the Civil Rights Division of the Department of Justice (DOJ). This memorandum provides a brief summary of that interview.

#### **I. DEPARTMENT OF JUSTICE WITHHOLDING INFORMATION**

During the transcribed interview, DOJ counsel instructed Mr. Gore more than 150 times not to answer specific questions from the Democratic and Republican Committee staff that are central to the Committee's investigation.

Neither Mr. Gore nor DOJ counsel asserted any privilege to explain his refusal to answer the Committee's questions. Instead, they stated Mr. Gore would answer questions "that can be answered without compromising the ongoing litigation or other executive branch confidentiality interests."

As the Committee has explained repeatedly, ongoing civil litigation is not a valid basis to withhold information from Congress. The Committee may take additional steps to secure the information and documents needed to complete its investigation.

#### **II. NEW INFORMATION FROM INTERVIEW**

Despite Mr. Gore's refusal to answer many questions, his interview produced troubling new information about the Trump Administration's decision to add a citizenship question to the 2020 Census.

**A. Department of Commerce Hand-Delivered Secret Memo to Gore**

Mr. Gore stated that in the fall of 2017, he spoke to James Uthmeier in the Office of General Counsel at the Department of Commerce about the citizenship question. Following that conversation, Mr. Uthmeier had a memorandum on the citizenship question hand-delivered to Mr. Gore's office, along with a hand-written note that also discussed the citizenship question.

During his interview, DOJ counsel directed Mr. Gore not to reveal to the Committee the subject matter of his conversation with Mr. Uthmeier or the content of the memo and handwritten note that were hand-delivered to his office.

Mr. Gore told the Committee that Mr. Uthmeier explained to him why he planned to hand-deliver the memo and note, but DOJ counsel instructed Mr. Gore not to reveal the reason to the Committee. Both DOJ and the Department of Commerce have also refused to provide copies of this memo and note to the Committee.

**B. Trump Transition Official Sent DOJ Draft Request for Citizenship Question**

Mr. Gore stated during his interview that in October 2017, he spoke to Peter Davidson, the General Counsel of the Department of Commerce, about the citizenship question. Mr. Davidson mentioned a former member of the Trump Transition Team, Mark Neuman, who then contacted Mr. Gore.

According to Mr. Gore, Mr. Neuman provided him with "a draft letter that would request reinstatement of the citizenship question on the census questionnaire." Mr. Gore was the principal drafter of DOJ's December 12, 2017, request to the Department of Commerce to add the citizenship question, and he received the draft from Mr. Neuman around the same time he was preparing DOJ's December 12 letter.

During the interview, DOJ counsel instructed Mr. Gore not to discuss the substance of his discussions with Mr. Neuman or Mr. Davidson. DOJ counsel also instructed Mr. Gore not to reveal the contents of the draft letter from Mr. Neuman or the extent to which he relied on that letter when drafting the request to the Department of Commerce to add the citizenship question.

**C. Gore Discussed Citizenship Question with Department of Homeland Security**

During his interview with Committee staff, Mr. Gore stated that in October 2017, Attorney General Sessions' staffers set up a call with employees of the Department of Homeland Security related to the citizenship question. Mr. Gore was directed not to disclose what they discussed, including whether they discussed immigration or apportionment.

**D. Gore Discussed Apportionment with Sessions and Commerce Lawyers**

Mr. Gore informed Committee staff that in the fall of 2017, he had discussions about apportionment with Attorney General Jeff Sessions and separately, with two lawyers from the Department of Commerce, Peter Davidson and James Uthmeier. These conversations occurred

during the same period that Mr. Gore was discussing the citizenship question with the Attorney General and the lawyers.

DOJ counsel refused to allow Mr. Gore to discuss the substance of any of these conversations, including whether the issue of apportionment came up in discussions about the citizenship question.

### **III. EXCERPTS FROM TRANSCRIBED INTERVIEW WITH GORE**

#### **Excerpts on Mark Neuman Providing Draft Letter Page 24-27**

Q: Did you do anything in response to your conversation with Mark Neuman?

A: I reviewed—yes, I did.

Q: What did you do?

DOJ Counsel: You can answer that question to the extent you can do so without divulging confidential or litigation-based interests the Department has.

A: I reviewed some documents and information regarding the census.

Q: I'm sorry, I just missed the first part.

A: I reviewed some documents and information regarding the census.

Q: Were those documents and information provided to you or pointed to?

A: Yes.

Q: Which one? Sorry.

DOJ Counsel: I instruct the witness not to answer. I'm sorry, I misunderstood your question. Can you rephrase your question? I apologize.

Committee Staff: Sure. Did he provide the documentation to you or did he point you to the documentation?

A: He provided it.

Q: Was that information public information or internal private information?

A: Public information.



Q: What was it?

A: He provided some information regarding the census, historical documents about the census. He handed me a pamphlet that was—had a chart in it that documented which questions had been on the census in various years.

**Q: Was that all he provided you?**

**A: No, he also provided me a draft letter.**

**Q: A draft letter of what?**

**A: It was a draft letter that would request reinstatement of the citizenship question on the census questionnaire.**

Q: Did he tell you where he got that draft letter?

DOJ Counsel: I instruct you—

A: No.

Q: Did any language in that letter appear in the letter that the Department of Justice sent to the Department of Commerce on December 12th, 2017?

DOJ Counsel: I instruct the witness not to answer.

Committee Staff: On what basis?

DOJ Counsel: The same basis.

Committee Staff: Can I ask you a question. Was the draft letter that he handed you, was it addressed from the Department of Justice to the Department of Commerce?

DOJ Counsel: Same instruction.

Committee Staff: So just to be clear, you've told us that he gave you a draft letter, but you're being instructed not to tell us to whom the draft letter was addressed. Is that the instruction?

DOJ Counsel: You're asking about the contents of the letter. I'm instructing him not to answer those questions, correct.

**Excerpts on Discussions with James Uthmeier on Hand Delivery of Memo Pages 105-109**

Q: Okay. But just to be really clear, he did not just tell you I'm going to send you a memo. You discussed other—did you discuss other things about the memo?

DOJ Counsel: Once again, you can answer that with a yes or no.

A: Yes.

Q: When did you receive the memo?

A: I don't recall exactly when I received the memo. It was hand delivered to my office with a handwritten cover note, and I don't recall how long it took—how much time elapsed between that phone call and when I received the memo.

Q: In that phone call when you were talking—when he informs you he's going to send you a memo, what did you specifically discuss?

DOJ Counsel: I'll instruct the witness not to answer.

Q: You said that he—it came—it was delivered to you. How was it delivered, that you're aware of?

A: All I know is that my assistant brought it to me and said it had been hand delivered. I don't know who delivered it or whether Mr. Uthmeier did it himself or whether somebody else did it. Is that your question?

Q: Can I ask a follow-up on that?

A: Sure.

Q: I don't mean to sound facetious, but you obviously have access to email, correct?

A: I do.

Q: And Mr. Uthmeier, obviously, has access to email.

A: I imagine he does, yes.

Q: So, is it fair to say that he could have emailed the memorandum to you if he had wanted to?

A: I don't know. You would have to ask him that. I don't know what format he had the memorandum in and whether that would have been possible.

Q: Do you know why it was hand delivered to you?

A: I don't.

Q: Do you know whether he was instructed to hand deliver it to you, Mr. Uthmeier?

A: I don't.

Q: How often do you receive memorandum—paper memos from other agencies rather than receiving memorandums in electronic form?

A: I don't know.

Q: Would you say this was unusual?

A: No, not necessarily. I sometimes receive memos in paper rather than through email certainly within the Department, too.

Q: My question is from other agencies. Is a memorandum coming from the Department of Commerce—let's say have you received other hand—other hand-delivered memoranda from the Department of Commerce?

A: Not that I recall.

Q: Have you received other hand-delivered memoranda from other agencies, outside?

A: I don't believe I received memoranda from any other agencies. This would be the only memorandum I received from another department or agency, and it was delivered by hand. So I guess, to follow your line of questioning, that makes it usual.

Q: I guess that's a definitional question we could quibble with a little bit.

A: You were trying to compare it to some other practice, and this is the only other practice I've ever experienced—

Q: It sounds like you're saying it's the only time you've ever received a memo from another agency and the only time you've ever received one—a handwritten memo hand delivered to you, so I would describe

it as unusual.

A: No, that was not my testimony. What I said was, it's the only time I've received a memorandum from another department, and I have on several occasions received hand-delivered memoranda within the Department of Justice.

**Q: When you were on the phone and he informed you that he was going to send you a memo, did you discuss the form of delivery?**

A: Yes.

**Q: Did you discuss why he wanted to send it to you?**

DOJ Counsel: I'll instruct the witness—you can answer that with a yes or no.

A: Why he wanted to send it to me at all?

**Q: Sorry. When you discussed the form of delivery, did he tell you at that point in time that it was going to be hand delivered?**

A: Yes, he did.

**Q: Did he tell you why it was going to be hand delivered?**

DOJ Counsel: You can answer that yes or no.

A: Yes, he did.

Committee Staff: I thought you just said you didn't know why he hand delivered it to you. Do you know why he hand delivered it to you?

A: I know—I know why he told me he wanted to hand deliver it to me. I don't know why he did it.

Q: What did he tell you?

DOJ Counsel: I instruct the witness not to answer.

# **EXHIBIT 9**

John H. Thompson  
Director,  
Bureau of the Census  
US Department of Commerce  
Washington, DC 20233

Dear Mr Thompson:

We are writing to formally request the reinstatement of a question on the 2020 Census questionnaire relating to citizenship. The Department seeks to reinstate the question because of recent Court decisions \_\_\_\_\_ where courts required enumerated (block level) data related to voting age population. This data can only be provided based on enumerated (Census), rather than sample (ACS) data.

We are aware that the 2010 Census was the first decennial census since the 1880 Census without a question about citizenship. We also note that the American Community Survey, which replaced the "long form" version of the questionnaire in the decennial 2000 Census, asks a question about citizenship. We are not aware that of any serious concerns relating to the presence of a citizenship question on the ACS.

We understand that the Bureau personnel may believe that ACS data on citizenship was sufficient for redistricting purposes. We wanted the Bureau to be aware that two recent Court cases have underscored that ACS data is not viable and/or sufficient for purposes of redistricting. Two important citations from these cases are as follows:

---

We note that in these two cases, one in 2006 and one in 2009, courts reviewing compliance with requirements of the Voting Rights Act and its application in legislative redistricting, have required Latino voting districts to contain 50% + 1 of "Citizen Voting Age Population (or CVAP). It is clear that full compliance with these Federal Court decisions will require block level data than can only be secured by a mandatory question in the 2020 enumeration. Our understanding is that data on citizenship is specifically required to ensure that the Latino community achieves full representation in redistricting.

We accordingly request that the Bureau prepare, without delay, the appropriate question on citizenship for the 2020 Census, and submit this addition for 2020



Census for OMB Review and other appropriate notifications.

Please let me know if you have any questions about his letter or wish to discuss this subject. I can be reached at (202) ----- or \_\_\_\_\_@doj.gov.

Sincerely yours,

Attachment.

Cc:



# **EXHIBIT 10**

We note that in these two cases, one in 2006 and one in 2009, courts reviewing compliance with requirements of the Voting Rights Act and its application in legislative redistricting, have required Latino voting districts to contain 50% +1 of "Citizen Voting Age Population (or CVAP). It is clear that full compliance with these Federal Court decisions will require block level data that can only be secured by a mandatory question in the 2020 enumeration. Our understanding is that data on citizenship is specifically required to ensure that the Latino community achieves full representation in redistricting.

# **EXHIBIT 11**

## Exhibit I: Chart Comparing Hofeller 2015 Study with DOJ December 2017 Letter

Hofeller August 2015 Study	DOJ December 2017 Letter to Commerce
<p>In decennial censuses prior to 2010, a citizenship question was included in the long form questionnaire which was distributed to approximately one in seven households...</p> <p>For several reasons, the Bureau of the Census decided to discontinue the use of the long form questionnaire for the 2010 Decennial Census and to depend exclusively on the short form Questionnaire, which did not include a question on citizenship...</p> <p>As a replacement to the long form questionnaire, the Census Bureau instituted the American Community Survey. To quote the Census Bureau: “The American Community Survey (ACS) is an ongoing survey that provides vital information on a yearly basis about our nation and its people. Information from the survey generates data that help determine how more than \$400 billion in federal and state funds are distributed each year.” Each year, about 3.5+ million households receive very detailed questionnaires of which about 2.2 million are successfully returned. This represents a 62% return rate.</p>	<p>From 1970 to 2000, the Census Bureau included a citizenship question on the so-called “long form” questionnaire that it sent to approximately one in every six households during each decennial census....</p> <p>In the 2010 Census, however, no census questionnaire included a question regarding citizenship. Rather, following the 2000 Census, the Census Bureau discontinued the “long form” questionnaire and replaced it with the American Community Survey (ACS). The ACS is a sampling survey that is sent to only around one in every thirty-eight households each year and asks a variety of questions regarding demographic information, including citizenship. See U.S. Census Bureau, American Community Survey Information Guide at 6, available at <a href="https://www.census.gov/content/dam/Census/programssurveys/acs/about/ACS%20Information%20Guide.pdf">https://www.census.gov/content/dam/Census/programssurveys/acs/about/ACS Information Guide.pdf</a> (last visited Nov. 22, 2017). The ACS is currently the Census Bureau’s only survey that collects information regarding citizenship and estimates citizen voting-age population.</p>
<p>In addition, the use of a 5-year rolling sample was much less reflective of the actual characteristics of the population at the time of the actual 2010 Decennial Enumeration, which would have been a one-time snapshot taken in mid-2010 (April to August).</p>	<p>Because the ACS estimates are rolling and aggregated into one-year, three-year, and five-year estimates, they do not align in time with the decennial census data. Citizenship data from the decennial census, by contrast, would align in time with the total and voting-age population data from the census that jurisdictions already use in redistricting.</p>
<p>Another issue with use of the ACS in redistricting is that the accuracy for small units of geography is extremely poor. This is particularly true for Census Tracts and Census Block Groups. In some cases the confidence interval for a Block Group exceeds the actual range of the data, creating negative numbers for the low point of the confidence interval.</p>	<p>The ACS estimates are reported at a ninety percent confidence level, and the margin of error increases as the sample size—and, thus, the geographic area—decreases.</p>
<p>Another problem with the ACS data is that the units of geography by which the ACS is</p>	<p>Census data is reported to the census block level, while the smallest unit reported in the ACS</p>

<p>compiled is different from the geographic units used in redistricting. Almost all states are using Census Voting Districts (VTDs) are preferred as the <b>basic geographic building blocks for creating new districts</b>. VTD boundaries generally follow precinct boundaries. ACS data are simply not available for VTDs, and any estimates of CVAP populations for VTDs would be even more inaccurate than the ACS estimates for Census Tracts and Block Groups.</p> <p>For those states in which CVAP estimates for legislative districts have been compiled, determinations have been required to compute the percentage of each Census Block Group's population which is in each legislative or congressional district. The CVAP statistics have been summed for all the block groups which have either 50% or 75% of their population in an individual district and these estimates have been imputed to the total adult populations of the districts.</p>	<p>estimates is the census block group. See American Community Survey Data 3, 5, 10. Accordingly, <b>redistricting jurisdictions and the Department are required to perform further estimates and to interject further uncertainty in order to approximate citizen voting-age population</b> at the level of a census block, which is <b>the fundamental building block of a redistricting plan</b>. Having all of the relevant population and citizenship data available in one data set at the census block level would greatly assist the redistricting process.</p>
--	---

# **EXHIBIT 12**

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

ROBYN KRAVITZ, et al.,     ) Civil Action No.  
                                   ) 8:18-cv-01041-GJH  
                  Plaintiffs,     )  
                                   ) Hon. George J. Hazel  
vs.                             )  
                                   )  
U.S DEPARTMENT OF         )  
COMMERCE, et al.,         )  
                                   )  
                  Defendants.     )

---

LA UNION DEL PUEBLO     ) Civil Action No.  
ENTERO; et al.,         ) 8:18-cv-01570-GJH  
                                   )  
                  Plaintiffs,     ) Hon. George J. Hazel  
                                   )  
vs.                             )  
                                   )  
WILBUR L. ROSS, sued in )  
his official capacity as)  
U.S. Secretary of         )  
Commerce, et al.,         )  
                                   )  
                  Defendants.     )

VIDEOTAPED DEPOSITION OF A. MARK NEUMAN  
Taken on behalf of Plaintiffs  
October 28, 2018  
(Starting time of the deposition: 12:22 p.m.)

Veritext Legal Solutions  
Mid-Atlantic Region  
1250 Eye Street NW - Suite 350  
Washington, D.C. 20005



1 Then there was October. Not a lot happened. Then  
2 November, a lot of activity. Then December, a lot of  
3 activity. Now a lot of activity.

4 So it's -- and, again, this is a part-time  
5 volunteer job, so it's very difficult for me to kind  
6 of try to recall exactly who said what when.

7 Q. Well -- well, do you recall discussing with  
8 other individuals on the Commerce team whether there  
9 were particular people or constituencies who are  
10 interested in adding a citizenship question to the  
11 census?

12 MR. ROSENBERG: Objection, vague.

13 MR. FELDMAN: If you -- if you can answer  
14 it, answer it.

15 A. Tom Hoffler was, I think, the first person  
16 that said something to me about that issue.

17 Q. (By Mr. Duraiswamy) Meaning he -- he --

18 A. He flagged it, you know. He said --

19 Q. He flagged it as something that might be of  
20 interest to some people --

21 A. Right.

22 Q. -- in constituencies?

23 A. Right.

24 Q. And you said he was a point person for  
25 redistricting in certain circles. He's -- he's a

1 Q. (By Mr. Duraiswamy) Were you ever asked to  
2 serve as a formal or informal adviser to the  
3 Department of Justice?

4 A. No.

5 Q. How did the meeting with John Gore in the  
6 fall of 2017 come about?

7 MR. ROSENBERG: The same objection.

8 MR. FELDMAN: Go ahead, answer.

9 A. James Undermeier [sic] asked me to -- to  
10 meet with him. I think that's his name. I -- I may  
11 be getting the -- Commerce official.

12 Q. (By Mr. Duraiswamy) Is -- does James  
13 Uthmeier --

14 A. Yeah.

15 Q. -- or Uthmeier sound correct?

16 A. Something --

17 Q. And apologies to James for mispronouncing  
18 his name. When did he ask you to have that meeting?  
19 Was it shortly before the meeting took place?

20 A. Within a few weeks before the meeting took  
21 place.

22 Q. Did you have an understanding as to who --  
23 whose idea it was to have that meeting, whether it  
24 was --

25 A. I wouldn't have known who John Gore was.

1 Q. Let me --

2 MR. FELDMAN: You -- you -- you answered the  
3 question before counsel -- counsel finished his  
4 question. Let him finish it.

5 MR. DURAISWAMY: In fairness, it wasn't a  
6 great question, so let me try to ask it in a better  
7 way.

8 Q. (By Mr. Duraiswamy) Was it your  
9 understanding that it was someone at the Commerce  
10 Department who had the idea for you and Mr. Gore to  
11 meet?

12 A. I think so.

13 Q. Okay. Not someone at the Department of  
14 Justice?

15 A. Not someone at the Department of Justice.

16 Q. Do you know who -- who originally had the  
17 idea for you and Mr. Gore to meet?

18 A. No. And originally is the -- you know,  
19 again --

20 Q. Obviously, Mr. Uthmeier reached out to  
21 you --

22 A. Yeah.

23 Q. -- and that's what I'm asking, if you know  
24 who originally had the idea. How long was your  
25 meeting with Mr. Gore?

1 A. I don't know.

2 Q. I'm just looking for an approximation. More  
3 than an hour?

4 A. I doubt it was more than an hour.

5 Q. More than 30 minutes?

6 A. Probably.

7 Q. Okay. So roughly somewhere between 30 and  
8 60 minutes?

9 A. I think so.

10 Q. You're aware that there was a letter sent by  
11 the Department of Justice to the Commerce Department  
12 in December 2017 regarding the addition of a  
13 citizenship question to the census?

14 A. Yes.

15 Q. Did you have any involvement in the drafting  
16 of that letter?

17 MR. ROSENBERG: Objection, form.

18 MR. FELDMAN: If you know.

19 A. Well, it -- again, I wasn't part of the  
20 drafting process of the letter, but I'm sure that in  
21 our -- I -- when I met with John Gore, I wanted to  
22 show him what the Census Bureau said about why they  
23 ask the ACS question. Because, again --

24 MR. ROSENBERG: And I'm -- again, I'm going  
25 to object and instruct the witness not to answer the

1 MS. BRANNON: Okay.

2 MR. ROSENBERG: -- of course, in the  
3 Government be as -- as nimble as possible in meeting  
4 and conferring and responding, and I imagine that we  
5 could do so tomorrow.

6 MS. BRANNON: Okay. No, that makes sense.  
7 So we will agree to that. There has -- and just to be  
8 clear, the reason, there has been some meet and  
9 confer -- meet and confer on related topics to this,  
10 and a motion was filed today in the NYIC case. And so  
11 I am just not familiar enough, and would want to  
12 confer with my colleagues as to whether or not the  
13 nature of the discussions that have come up at the  
14 deposition today fall within that issue or whether it  
15 is a new and separate issue. We will certainly try to  
16 meet and confer about that part with you as quickly as  
17 possible before we would move forward without  
18 revealing anything publicly.

19 MR. ROSENBERG: Thank you.

20 Q. (By Mr. Duraiswamy) Okay. Sorry for the  
21 interlude. So at that meeting you provided some  
22 information to Mr. Gore for purposes of the letter  
23 that DOJ subsequently drafted regarding the  
24 citizenship question?

25 A. Mainly the -- mainly a copy of the -- of the

1 A. No.

2 Q. James Sherk?

3 A. No.

4 Q. Have you spoken with Mr. Hoffler about this  
5 issue since the transition?

6 A. Tom was very sick, very sick. And, in fact,  
7 I didn't know that he passed away. So Tom was really  
8 kind of out of the picture. And I also want to say,  
9 Tom was not an -- did not appear to me to be an  
10 adviser to the -- to the administration at all.

11 Q. A separate question.

12 A. Yeah.

13 Q. And I'm not -- I didn't necessarily mean to  
14 connect it.

15 A. So I don't kind of see him as an  
16 intermediary for the administration.

17 Q. No, I'm asking about Mr. Hoffler separately.  
18 Did you -- I'm not sure that I got a clear answer to  
19 the question. Did you have any communications with  
20 him about a potential citizenship question since the  
21 transition?

22 A. Tom Hoffler?

23 Q. Yes.

24 A. Oh, yes. Yes.

25 Q. How many times, roughly?

1           A.     It would be more than a couple, but it  
2 wouldn't be more than a dozen. And remember, we're  
3 talking about from January through -- through whenever  
4 I last talked to him, which would have been maybe --  
5 I'm not even sure I talked to him in 2017.

6           MR. FELDMAN: 2017 or 2000 --

7           A.     Or 2000 -- I'm not sure I talked to him  
8 since even May of this year.

9           Q.     (By Mr. Duraiswamy) And he -- what were  
10 the -- what was the substance of those conversations?

11          A.     Well, Tom and I are good friends, so I don't  
12 know -- you know, I've known him for 30 years. We  
13 talked a lot about his cancer treatment. We talked a  
14 lot about what he was going through. We talked a lot  
15 about prayer. So, you know, there would be  
16 conversations about what was going on in politics that  
17 would bleed into our personal conversations.

18          Q.     And some of that was about the potential  
19 citizenship question on the 2020 census?

20          A.     It seemed like -- like it wasn't a topic in  
21 the last -- in the last -- certainly the last six  
22 months. Again, hard for me to remember about --  
23 again, with someone like Tom that I'm a -- a good  
24 friend of a long time, and with someone that I check  
25 in with about their health, and there are not a lot of



1 people like that, so I don't -- I don't recall how  
2 many times.

3 Q. Well, my question is -- well, I think you  
4 mentioned before that you did have those conversations  
5 since January 2017, but my question is just what was  
6 the substance of your conversation about this issue,  
7 about the citizenship question?

8 A. Well, he talked about how block level data  
9 was -- and, again, block level data is an obsession  
10 with him, because block level data means that you can  
11 draw the most accurate districts. And so, again, his  
12 focus was always on block level data, and always on,  
13 "Mark, you need to make sure that we take a good  
14 census, that the administration doesn't skimp on the  
15 budget," because a good census is good for what he  
16 does.

17 Q. And he was the person that you principally  
18 relied on for your understanding regarding the need  
19 for block level citizenship data; is that right?

20 A. He was the one of the people that I --  
21 actually, Tom -- in talking to Tom, I knew that it was  
22 going to be an issue that the department would  
23 confront, because I knew Tom had the ability to get  
24 members of Congress, who were important to the  
25 administration, to pay attention to the issue. You

1 know, that's what -- again, in the transition, your  
2 job is to forecast what's going to come across the  
3 transom for the new administration.

4 Q. Did you speak with anyone else in Congress  
5 or affiliated with a member of Congress about the  
6 citizenship question since January of 2017?

7 A. I talked to -- you know, I talk to my own  
8 member of Congress, Rodney Davis, all the time. You  
9 know, I see him at things. I talk to people in the  
10 Illinois delegation that I see at the University of  
11 Illinois. I -- again, to say did I talk to someone in  
12 Congress, I talk to people in Congress who I've known  
13 for a long time. I went to school with Peter Roskam.  
14 I -- I talk about lots of things with them.

15 Q. Sure.

16 A. Did I go and do a presentation in anyone's  
17 office about this, no.

18 Q. I was wondering if you talked to any of them  
19 about this issue?

20 A. I'm sure that I talked to members of  
21 Congress, including Democratic members of Congress  
22 about this issue.

23 Q. And what do you recall them communicating to  
24 you about it?

25 A. I recall Congressman Lacy Clay being upset

1       that this question was going to be answered. But at  
2       the same time, he was very concerned about getting the  
3       administration to focus on getting a good count, and  
4       he asked for my help in that.

5           Q.    What else do you recall about --

6           A.    I recall that we --

7           Q.    -- those conversations?

8           A.    I talked to a Congresswoman from New York,  
9       Carolyn Maloney --

10          Q.    Uh-huh.

11          A.    -- who has, you know, long time involvement  
12       with census issues. And she was telling me how  
13       important it is to get Secretary Ross to focus on how  
14       important the census would be and that to request full  
15       funding and so forth. So, again, you have these  
16       conversations that are taking place. People see me  
17       and they say, "There's the census guy." You know,  
18       "Let's talk to him about it." So I don't want to  
19       leave anything out, but I talk to members of Congress  
20       all the time.

21          Q.    I understand that. But I -- we sort of  
22       drifted into issues unrelated to the citizenship  
23       question. So I'm trying to help you by narrowing it  
24       to that -- to that issue.

25          A.    Again, I -- there's interaction all the time

1 and I don't want to leave anything out.

2 Q. And I'm just asking you to please tell us  
3 what you remember about the conversations that you had  
4 with members of Congress, or people affiliated with  
5 members of Congress, regarding a citizenship question  
6 since January 2017 --

7 A. Again, I --

8 Q. -- other than the discussion with  
9 Congressman Clay that you just mentioned.

10 A. I -- I don't have a log. I don't -- I -- I  
11 talk to people all the time. I run into them in  
12 airports. I run into them at events. We talk about  
13 things. And for me to say -- to recall among those  
14 hundreds, thousands of conversations that I have, I  
15 know what I generally want to talk about with members  
16 of Congress about the census, which is we need to take  
17 a good census. We need to focus on the differential  
18 undercount. We need to focus on all these issues that  
19 I've been involved with for the last 30 years. But  
20 again, it's -- this is not my job, so I don't, you  
21 know, keep logs of all the -- who I talk to when and  
22 so forth.

23 MR. DURAISWAMY: Okay. Move to strike as  
24 non-responsive.

25 Q. (By Mr. Duraiswamy) Has anyone ever

1 suggested to you that block level citizenship data --  
2 strike that.

3 Has anyone ever suggested to you that having  
4 access to block level citizenship data would be  
5 helpful to Republican efforts in redistricting?

6 A. I'm sure someone has said that.

7 Q. Tom, presumably?

8 A. What he said is that it will help draw maps,  
9 which will be acceptable as the maps that best provide  
10 minority representation, and so therefore are not  
11 challenged. So the frustration is you keep drawing a  
12 district, and because you don't have block level data,  
13 someone says, well, you didn't draw a map that  
14 maximized -- I use the word "maximized," Latino  
15 representation based on their numbers. And when you  
16 don't have that block level citizenship data, what  
17 you're doing is you're cheating the Latino community  
18 out of representation at all levels of government.

19 Q. That was the -- that was something that he  
20 suggested to you?

21 A. No, it was -- it was a conversation that we  
22 had. My point about maximization is my word. I want  
23 Latino representation to be maximized.

24 Q. Have you done any research on the Voting  
25 Rights Act?

1 A. I'm not an expert on the Voting Rights Act.

2 Q. Have you done any research on the Voting  
3 Rights Act?

4 A. I'm not an expert on it. I -- I read about  
5 the Voting Rights Act, yeah.

6 Q. Do you have any expertise on the legal  
7 standard for Section 2 of the Voting Rights Act?

8 A. I'm not an expert on it.

9 Q. Have you relied on others for expertise on  
10 the Voting Rights Act in Section 2 in particular?

11 A. Yes. So I -- you know, when I -- when I  
12 study things, I look to people who are experts.

13 Q. Okay. And who -- who have you looked to for  
14 expertise on those issues?

15 A. Off the top of my head, I'd have to go back.  
16 I'd have to go back and look at it. But I did -- I --  
17 one of the things that I was most interested in is  
18 there was an amicus brief that was filed by five  
19 census directors. And those -- in a nutshell, what  
20 those census directors said is block level data is the  
21 most important thing in end product in terms of  
22 ensure -- ensuring accurate representation, and you  
23 can only get block level data from the census. I  
24 didn't look at that until -- you know, until 2018.

25 Q. Was Mr. Hoffler one of the people you relied

1 on for expertise about the Voting Rights Act --

2 A. I -- you --

3 Q. I'm asking you. Sorry.

4 A. Oh, okay.

5 Q. Was he one of the people?

6 A. No.

7 Q. Who -- who were the people? You said off  
8 the -- you'd have to go back and check, but --

9 A. I'd have to -- I'd have to -- I don't  
10 recall.

11 Q. You -- you can't remember anyone that you've  
12 relied on --

13 A. I can recall looking at the cases --

14 Q. -- for expertise on that issue?

15 A. -- and looking at what Justices of the  
16 Supreme Court said about it and looking at that.

17 Q. Okay. Let's go back to if you recall  
18 communicating with anyone else direct -- in the Trump  
19 administration directly or indirectly about the  
20 citizenship question, other than the people we've  
21 already identified.

22 MR. FELDMAN: I'm not sure I understand.  
23 Are you talking about was there anybody else other  
24 than the people that have been discussed?

25 MR. DURAISWAMY: Yes.



1 Q. And Mr. Davidson responds that he is on the  
2 phone with you, and you're giving him a readout of a  
3 meeting last week, correct?

4 A. I see that.

5 Q. Was that your meeting with John Gore?

6 MR. ROSENBERG: Objection, assumes facts not  
7 in evidence. It calls for speculation.

8 A. I don't know whether it's -- it would make  
9 sense, but I don't know.

10 Q. (By Mr. Duraiswamy) Did you have a meeting  
11 with anyone else about a letter from DOJ?

12 A. That -- that's why I said the -- the timing  
13 seems like it's -- dovetails with what you and I were  
14 discussing earlier.

15 Q. Right. Because the meeting with John Gore  
16 was about the letter from DOJ regarding the  
17 citizenship question, correct?

18 A. No, the letter -- the meeting with John Gore  
19 was about the -- how Census interacts with the Justice  
20 Department. Again, this is a communication from two  
21 other people, not from me.

22 MR. ROSENBERG: And just -- just for the  
23 record, again, we're going back to the substance of  
24 the communications with Mr. Gore, which the Government  
25 believes is covered by the deliberative process

1 hours.

2 Q. Okay. Do you remember that when we started  
3 this deposition, we talked about the fact that if you  
4 say that you don't recall something, when, in fact,  
5 you do recall it, that that's false testimony? Do you  
6 remember that we talked about that --

7 A. Yes.

8 Q. -- at the outset? Okay. What do you recall  
9 about the length of the phone calls or conversations  
10 that you had with Mr. Davidson about the census over  
11 the last couple of years?

12 A. I recall that I had some.

13 Q. And you have no recollection about how long  
14 those calls were or those interactions were?

15 A. Well, you said -- you asked me if I was --  
16 talked to him for four hours. I don't recall talking  
17 to anyone for hour hours in one phone call.

18 Q. No. I'm asking you now approximately how  
19 long were the interactions that you had with him  
20 regarding the census. Can you give me a range?

21 A. I -- I don't know. I don't recall how long  
22 they were.

23 [Marked Exhibit No. 18.]

24 Q. Handing you what we've marked as Exhibit 18.  
25 We've got one copy for you guys. Take a minute to

1 review this document and let me know if you've seen it  
2 before.

3 A. I have seen it before.

4 Q. When did you see it?

5 A. I've seen versions of this before.

6 Q. When you say versions of this, what do you  
7 mean?

8 A. Well, something that starts out with John  
9 Thompson and then says reinstatement of the  
10 questionnaire. I -- I've -- this is -- I recall  
11 seeing something like this in different versions --

12 Q. This is --

13 A. -- at different times.

14 Q. Okay. And just so the record is clear, this  
15 is a -- a draft of a letter from the Department of  
16 Justice to the Commerce Department requesting the  
17 reinstatement of a question on the 2020 census  
18 questionnaire related to citizenship, correct?

19 A. Do we know that it's from DOJ? Oh, because  
20 it says --

21 Q. Do you see the last line?

22 A. -- for doj.gov.

23 Q. Yes.

24 A. So what was the question again?

25 Q. So this is a draft of a letter from DOJ to

1 the Commerce Department requesting a reinstatement of  
2 a citizenship question on the 2020 --

3 A. Right.

4 Q. -- census, right?

5 MR. ROSENBERG: Objection, form, assumes  
6 facts not in evidence.

7 A. I -- I -- I -- it seems to be that.

8 Q. (By Mr. Duraiswamy) Okay. And when did  
9 you -- or who -- who provided you with versions of  
10 this draft letter?

11 A. I'm not sure which version this is. Again,  
12 I'm familiar with the letter. I'm not sure who the  
13 original author is. I'm sure that I looked at it. I  
14 might have commented on it, but I'm not sure who  
15 writes a first -- a first template, as it were.  
16 What's interesting is when I look at this, it seems  
17 like --

18 MR. FELDMAN: And this being?

19 A. This being the version that you're looking  
20 at right now.

21 MR. FELDMAN: Exhibit 18.

22 A. And I look at the letter that I first saw in  
23 ProPublica. This letter is very different than the  
24 letter that ultimately went from DOJ.

25 Q. (By Mr. Duraiswamy) Okay. In order to help

1 us all get out of here on time, I'm going to ask you  
2 try to --

3 A. Oh, we're all going to get here on -- out of  
4 here on time.

5 Q. Well, I want you -- in order to avoid the  
6 risk of our having to come back and do more  
7 questioning, I want to you to try to focus on just  
8 answering the question --

9 A. Right.

10 Q. -- that I've asked. So my question, you  
11 stated that you had previously seen a version of this  
12 draft, correct?

13 A. Correct.

14 Q. Okay. And I believe you said --

15 A. And, again, there are people within the  
16 Secretary's office who could have had a version, could  
17 have had -- marked up their own version, could have --  
18 again, trying to figure out who an original author is  
19 when this looks a little --

20 MR. FELDMAN: The question --

21 Q. (By Mr. Duraiswamy) Yeah.

22 MR. FELDMAN: Just --

23 Q. (By Mr. Duraiswamy) I don't -- I don't  
24 want -- I don't -- I'm not asking you to tell me about  
25 who the original author was or anything. I want to

1 try to ask about your experience with this --

2 A. Right.

3 Q. -- with versions of this draft letter.

4 Okay? Do you recall who provided you with a -- a  
5 version of this draft letter?

6 A. No.

7 Q. Presumably, you -- well, strike that.

8 You said you might have commented on it. Do  
9 you recall what comments you may have made on the  
10 draft letter?

11 A. I don't recall.

12 Q. Do you recall why you were reviewing it?

13 A. I was comparing this to that ACS letter. So  
14 again, how does DOJ interact with Census on data  
15 needs.

16 Q. Why were you comparing it to the ACS letter?

17 A. Process. I'm a process person.

18 Q. But I'm -- I'm --

19 A. If you want --

20 Q. -- trying to understand why specifically you  
21 were asked to or took the initiative to compare a  
22 draft version of this letter to the ACS letter that we  
23 talked about before.

24 A. Again, I want to make sure that if the  
25 department has an interest in evaluating a change in

1 the questionnaire, that they're following procedures.  
2 This clearly doesn't look like the -- the letter that  
3 actually went out, but it looks like almost a  
4 placeholder, a template.

5 Q. When you say you want to make sure that if  
6 the department has an interest in evaluating a change  
7 in the questionnaire, you're referring to the -- the  
8 Department of Commerce --

9 A. Correct.

10 Q. -- correct?

11 A. Correct.

12 Q. Okay. And you recall that others at the  
13 Department of Commerce were reviewing and offering  
14 thoughts on draft versions of this letter?

15 A. I seem to recall that, yes.

16 Q. Who do you recall was involved in that  
17 effort?

18 A. It might have been the general counsel's  
19 office, and it might have been the policy office. And  
20 again, blurring a lot of those people, interactions  
21 together, new people coming on board, Peter Davidson  
22 coming on board, Earl being involved in policy  
23 matters, people that work for Earl. There are a lot  
24 of cooks in the kitchen.

25 Q. Other than Mr. Davidson and Mr. Comstock,

1     who you just mentioned, are there other specific  
2     people that you recall being involved in that process?

3           A.     Maybe --

4           MR. ROSENBERG:   Objection, mischaracterizes  
5     testimony.

6           MR. FELDMAN:   Go ahead.

7           A.     Maybe Izzy Hernandez, maybe Sahra Park-Su.  
8     You know, when I think of the policy people, they're  
9     all sort of blended together, the general counsel's  
10    people and so forth.

11          Q.     (By Mr. Duraiswamy) Do you recall any  
12    specific comments or edits that you suggested to the  
13    draft version of this letter?

14          A.     I don't recall, but I'm sure that I made  
15    comments.

16          Q.     You just don't remember specifically what  
17    the comments were?

18          A.     Right, right.

19          Q.     Do you remember who you made the comments to  
20    or who you provided the comments to?

21          A.     They would have been within that group of  
22    people, and I would -- I would -- you know, when I say  
23    general counsel, I -- I include James in that too.

24          Q.     Okay.

25          A.     And in this --



# **EXHIBIT 13**

HGO066101

1

1 [REDACTED]

2 [REDACTED]

3 HGO066101

4 INTERVIEW OF JOHN M. GORE, ESQUIRE

5 Thursday, March 7, 2019

6 House of Representatives

7 Committee on Oversight and Government Reform

8 Washington, D.C.

9 The Interview in the above matter was held in Room 6400,  
10 O'Neill House Office Building, commencing at 9:29 a.m.

11 Staff Present: S. Tori Anderson, Oversight Counsel;  
12 Russell M. Anello, Chief Oversight Counsel; Susanne Sachsman  
13 Grooms, Majority Staff; [REDACTED] [REDACTED] [REDACTED] [REDACTED] Stephen  
14 Castor, Republican Staff; Caroline Nabity, Republican Staff;  
15 Ellen Johnson, Republican Staff.

16 On Behalf of the Witness: Josh Gardner, Special Counsel,  
17 Department of Justice; Kira Antell, Acting Deputy Assistant  
18 Attorney General, Department of Justice, Legislative Affairs;  
19 Brett Shumate, Deputy Assistant Attorney General, Department of  
20 Justice.

483 Q So outside of the people you mentioned inside of  
484 the Justice Department at the time, how many conversations  
485 did you have with third parties about the addition of a  
486 citizenship question?

487 A Can you clarify what you mean by "third  
488 parties"?

489 Q People outside of the Department.

490 A Anybody outside of the Department.

491 Q Correct.

492 A Sure. I had, with Peter Davidson, probably  
493 about a dozen phone calls. And with James Uthmeier -- I  
494 had one phone call with James Uthmeier where it was just  
495 the two of us, and I think James participated in one or two  
496 phone calls that involved Peter Davidson and me as well.  
497 And I spoke one time with Wendy Teramoto, and I spoke one  
498 time with Mark Neuman, and one time with John Zadrozny.

499 Q Do you recall when your conversation was with  
500 Mark Neuman?

501 A I think it was in early October of 2017. Late  
502 September, early October. I'm pretty sure it was early  
503 October.

504 Q Were these conversations that occurred with  
505 people who were not in the Justice Department initiated by  
506 you or initiated by those parties? And we can -- we can  
507 return to some -- to the Department of Commerce later, but

HGO066101

22

508 specifically with regard to Mark Neuman, was that

509 conversation initiated by you or by Mark Neuman?

510 A Not by me.

511 Q Was it by Mark Neuman or by somebody else?

512 A So Mark Neuman did call me, but I -- it was

513 Peter Davidson who mentioned Mark Neuman to me, and then

514 Mr. Neuman called me.

515 Q And you discussed the citizenship question with

516 Mark Neuman?

517 A Yes, I did.

518 Q What was the nature of those discussions?

519 Mr. Gardner. I instruct the witness not to

520 answer.

521 Ms. Anderson. On what basis?

522 Mr. Gardner. Same grounds.

523 Q Did you do anything -- is Mark Neuman employed

524 -- a government employee?

525 A I don't know whether he's a government employee.

526 I understood Mr. Neuman to have been at least formerly an

527 employee at the Department of Commerce or the Census

528 Bureau, I'm not sure which. And I understood he was an

529 advisor to the Department of Commerce on issues related to

530 the 2020 census or at least the issue of whether to

531 reinstate a citizenship question on the 2020 census

532 questionnaire.

533                   Mr. Anello. Can I just clarify a question for  
534 counsel. Are you instructing the witness not to answer  
535 about a conversation with somebody who is not a federal  
536 employee?

537                   Mr. Gardner. He was an advisor to the Commerce  
538 Department.

539                   Mr. Anello. But he was not employed by the  
540 Commerce Department, correct?

541                   Mr. Gardner. What do you mean, was he being  
542 paid by the Commerce Department? Mr. Gore can answer that  
543 question. I will represent to you that Mr. Neuman was an  
544 advisor to the Commerce Department. And on that basis I  
545 instruct him not to answer about the substance of his  
546 conversations.

547                   Ms. Sachsman Grooms. Do you know more  
548 information about Mr. Neuman's employment or advising to  
549 the Commerce Department?

550                   Mr. Gardner. I'm not here to testify.

551                   Ms. Sachsman Grooms. You have just testified  
552 to us so you have represented to us --

553                   Mr. Gardner. No, I just repeated back what Mr.  
554 Gore just said.

555                   Ms. Sachsman Grooms. -- that he was an advisor  
556 in some capacity that you think makes him somehow protected  
557 by this ongoing litigation aspect, which is not a

558 privilege.

559 Mr. Gardner. Is there a question? I'm sorry.

560 Ms. Sachsman Grooms. Yes. My question is,  
561 what on earth would be the basis for not answering a  
562 question about a conversation with somebody who is not  
563 employed, even by the federal government?

564 Mr. Gardner. The confidentiality and  
565 litigation interests I previously stated.

566 Ms. Sachsman Grooms. Is there something about  
567 the conversation with Mr. Neuman that would impact the  
568 ongoing litigation?

569 Ms. Antell. At this point I understand that  
570 you have an interest in this. I'm happy for Mr. Gore to  
571 continue answering questions. I don't know that it's  
572 helpful for this back-and-forth to continue regarding what  
573 Mr. Gardner knows about this.

574 Ms. Sachsman Grooms. He did decide to make a  
575 representation on the record.

576 Mr. Gardner. I just repeated what Mr. Gore  
577 said.

578 Mr. Gore. I believe I'm the one who testified  
579 that I understood that Mr. Neuman was advising the  
580 Department of Commerce on this issue.

581 Q Did you do anything in response to your  
582 conversation with Mark Neuman?

583 A I reviewed -- yes, I did.

584 Q What did you do?

585 Mr. Gardner. You can answer that question to  
586 the extent you can do so without divulging confidential or  
587 litigation-based interests the Department has.

588 A I reviewed some documents and information  
589 regarding the census.

590 Q I'm sorry, I just missed the first part.

591 A I reviewed some documents and information  
592 regarding the census.

593 Q Were those documents and information provided to  
594 you or pointed you to?

595 A Yes.

596 Q Which one? Sorry.

597 Mr. Gardner. I instruct the witness not to  
598 answer. I'm sorry, I misunderstood your question. Can you  
599 rephrase your question. I apologize.  
600 Ms. Anderson. Sure.

601 Q Did he provide the documentation to you or did  
602 he point you to the documentation?

603 A He provided it.

604 Q Was that information public information or  
605 internal private information?

606 A Public information.

607 Q What was it?

608           A     He provided some information regarding the  
609 census, historical documents about the census. He handed  
610 me a pamphlet that was -- had a chart in it that documented  
611 which questions had been on the census in various years.

612           Q     Was that all he provided you?

613           A     No, he also provided me a draft letter.

614           Q     A draft letter of what?

615           A     It was a draft letter that would request  
616 reinstatement of the citizenship question on the census  
617 questionnaire.

618           Q     Did he tell you where he got that draft letter?

619                     Mr. Gardner. I instruct you --

620           A     No.

621           Q     Did any language in that letter appear in the  
622 letter that the Department of Justice sent to the  
623 Department of Commerce on December 12th, 2017?

624                     Mr. Gardner. I instruct the witness not to  
625 answer.

626                     Ms. Anderson. On what basis?

627                     Mr. Gardner. The same basis.

628

629                     Mr. Anello. Can I ask you a question. Was the  
630 draft letter that he handed you, was it addressed from the  
631 Department of Justice to the Department of Commerce?

632                     Mr. Gardner. Same instruction.

633                     Mr. Anello. So just to be clear, you've told



634 us that he gave you a draft letter, but you're being  
635 instructed not to tell us to whom the draft letter was  
636 addressed. Is that the instruction?

637 Mr. Gardner. You're asking about the contents  
638 of the letter. I'm instructing him not to answer those  
639 questions, correct.

640 Q Besides the pamphlet and the draft letter, was  
641 there anything else that he provided you?

642 A No.

643 BY MR. ANELLO.

644 Q The draft letter that he provided you, had you  
645 requested that he provide you with that draft letter?

646 Mr. Gardner. You can answer.

647 A No.

648 Q Had somebody else asked him to provide that  
649 draft letter to you?

650 A I don't know.

651 Q Why did he give it to you?

652 Mr. Gardner. I instruct the witness not to  
653 answer.

654 Q Do you know why he gave it to you?

655 A I don't, actually.

656 Q Did you agree with the contents of the letter?

657 Mr. Gardner. I instruct the witness not to  
658 answer.

659 Q Did the letter -- the draft letter that he gave  
660 you propose that a citizenship question should be added in  
661 order to assist with VRA enforcement?

662 Mr. Gardner. I instruct the witness not to  
663 answer.

664 BY MS. ANDERSON.

665

666 Q Did the letter contain any rationale for an  
667 addition of a citizenship question?

668 Mr. Gardner. I instruct the witness not to  
669 answer.

670 BY MR. ANELLO.

671

672 Q When you -- I apologize for skipping around a  
673 little bit with the questions here. I appreciate your  
674 indulgence.

675 Mr. Gardner. Sure.

676 Q When you drafted the letter that eventually was  
677 sent to the Department of Commerce on December 12th, were  
678 the words in that letter all your own? I can rephrase if  
679 that's not clear.

680 Mr. Gardner. If you can try to rephrase that.

681 Q You created the first draft of the letter that  
682 eventually was sent to Secretary Wilbur Ross requesting a  
683 citizenship question, correct?

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57

1384 clarify --

1385 Mr. Gardner. At what point did he know.

1386 Mr. Anello. -- once you became aware of the  
1387 conversation?

1388 Mr. Gore. Well, that assumes there's a  
1389 predicate, but you're asking a past-tense question, "Were  
1390 you aware?" Are you referring to on September 17th or 18th  
1391 or ever?\_

1392 Q No, I'm referring to ever, yes.

1393 A I'm not aware of any conversations between the  
1394 Department of Justice and Attorney General Sessions and any  
1395 of the other individuals you've named.

1396 Q Okay. So I think we paused --

1397 A At any point in time.

1398 Q Sure.

1399 I think we paused on whether Attorney General  
1400 Jeff Sessions had spoken with anyone at the White House  
1401 regarding this issue. Is your answer -- it remains no on  
1402 that as well?

1403 A I have no awareness that he ever spoke with  
1404 anyone at the White House regarding this issue.

1405 Q Do you have any awareness of anyone speaking --  
1406 from the Department of Justice speaking with anyone at the  
1407 White House besides the conversation you identified with  
1408 John Zadrozny in October of 2017?

1409           A     No, but I will clarify that, as I recall that  
1410 conversation with Mr. Zadrozny, it was a conference call in  
1411 which Rachael Tucker and Gene Hamilton also participated,  
1412 but I don't recall anyone else participating on that call.

1413           Q     And no other --

1414           A     So it wasn't just -- I'm just trying to clarify.  
1415 It wasn't just Mr. Zadrozny and me. Rachael and Gene were  
1416 also on the call, as I recall.

1417           Q     And that was your only conversation, that you're  
1418 aware, people from the Department of Justice and people  
1419 from the White House.

1420           A     That is correct.

1421           Q     Okay. You said one of the other people -- let  
1422 me just -- you said one of the other people from the  
1423 Department of Commerce that you had a discussion with was  
1424 Peter Davidson, or discussions with.

1425           A     That is correct.

1426           Q     And Peter Davidson initiated those conversations  
1427 with you; is that correct?

1428           A     Yes, he did.

1429           Q     How did he get in contact with you?

1430           A     Called me.

1431           Q     Did he tell you why he called?

1432           A     Yes.

1433           Q     Why did he call?

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3113 answer.

3114 BY MS. ANDERSON.

3115

3116 Q Did you talk to or hear from any other agencies  
3117 like DHS or ICE about the citizenship question before  
3118 September 12, 2017?

3119 A Yes, I -- the question earlier reminded me, I  
3120 did have a phone call with somebody -- I was on a phone  
3121 call with somebody from DHS about the issue.

3122 Q Do you remember who?

3123 A I don't.

3124 Q About when was that conversation?

3125 A It was in October of 2017, I think.

3126 Q Was anyone else on the phone call?

3127 A Gene Hamilton was on. I think Rachael Tucker  
3128 may have been on. I can't remember whether -- I always  
3129 want to call him by his nickname, Patrick Hovakimian was  
3130 on -- I think he may have been on. And I don't recall who  
3131 else.

3132 Q Do you recall who set up that meeting?

3133 A I think it was Gene, but I don't recall. It  
3134 wasn't a meeting. It was a phone call.

3135 Q Oh, who arranged the phone call, then?

3136 A Yes.

3137 Q About how long was that conversation?

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3138 A Oh, gosh. Maybe it was 15 minutes or less.

3139 Q What did you discuss?

3140 Mr. Gardner. I instruct the witness not to  
3141 answer.

3142 Q Did the person -- were there multiple people  
3143 from DHS on the call or just one?

3144 A I think there was more than one, but I don't  
3145 recall either way.

3146 Q Did they participate in the conversation?

3147 A Yes, they were parties to the conversation.

3148 Q Sure. They spoke during the phone call?

3149 A I believe so, yes.

3150 Q Did they tell you to do anything?

3151 Mr. Gardner. To the extent you can answer that  
3152 question without divulging confidential or litigation  
3153 interests of the Department, you may do so. Otherwise, I  
3154 instruct you not to answer.

3155 A No.

3156 Q Did they instruct you to do anything?

3157 Mr. Gardner. Same instruction.

3158 Q And that call, I think you said earlier,  
3159 concerned the citizenship question; is that correct?

3160 A That is correct.

3161 Q Did you talk about immigration on that call?

3162 Mr. Gardner. I instruct the witness not to

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3163 answer.

3164 Mr. Anello. I think -- just to make sure I'm  
3165 understanding, just whether that call involved immigration  
3166 is something that the witness can't answer?

3167 Mr. Gardner. Right. I gave my instruction,  
3168 yes.

3169 Q Did you ever make an effort to limit staff  
3170 involvement in the request to add a citizenship question?

3171 Mr. Gardner. To the extent you can answer that  
3172 question without divulging confidential or litigation  
3173 interests of the Department, you may do so. Otherwise, I  
3174 instruct you not to answer.

3175 A To the extent I understand your question, no.

3176 Q Did you ever make an effort to limit who you  
3177 consulted with on your staff regarding your drafting of the  
3178 December 12th letter?

3179 Mr. Gardner. Same objections. Same  
3180 instruction.

3181 A To the extent I understand your question, no.

3182 Q So I want to talk a little bit --

3183 Mr. Anello. Sorry, can we go back to the DHS  
3184 call again?

3185 Ms. Anderson. Sure.

3186 BY MR. ANELLO.

3187 Q I just want to make sure I'm understanding the

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129

3188 context of this DHS call. Generally, DHS is not involved  
3189 in enforcing the Voting Rights Act, correct?

3190 A That's correct.

3191 Q They do enforce immigration laws, correct?

3192 A That's my understanding, yes, as does the  
3193 Department of Justice.

3194 Q So was there an -- did DHS express an interest  
3195 in the citizenship question?

3196 Mr. Gardner. I instruct the witness not to  
3197 answer.

3198 Q Why were they on the call?

3199 Mr. Gardner. Same instruction.

3200 Q Did DHS ask the Department of Justice to make a  
3201 request for a citizenship question?

3202 Mr. Gardner. I instruct the witness not to  
3203 answer.

3204 Mr. Anello. To be clear, we've already heard  
3205 statements today that the Department of Commerce made that  
3206 request. Did the Department of Homeland Security make that  
3207 request? I don't know why he can't answer that.

3208 Mr. Gardner. I understand. I'm instructing  
3209 the witness not to answer.

3210 Mr. Anello. What is the basis for that?

3211 Mr. Gardner. The instruction is  
3212 confidentiality and litigation interests of the Department.



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3413 A After.

3414 Q Was it before or after you began drafting a  
3415 letter back to the Department of Commerce making that  
3416 request?

3417 A I don't recall specifically.

3418 Q Who else was involved in the conversation where  
3419 you discussed apportionment?

3420 A I think Rachael Tucker was in the room, but I  
3421 don't recall.

3422 Q Who initiated the call or the meeting? Was it a  
3423 meeting or a call?

3424 A No, it was -- it was an in-person meeting, and I  
3425 don't recall who initiated it.

3426 Q Were you given any instructions in the meeting?  
3427 Mr. Gardner. You can answer that with a yes or  
3428 no.

3429 A No, I was not.

3430 Q Did you do anything as a result of that meeting?

3431 A No, I did not.

3432 Q Did you discuss with the Attorney General  
3433 whether adding a citizenship question to the census would  
3434 impact apportionment?

3435 Mr. Gardner. I instruct the witness not to  
3436 answer.

3437 Q Who else did you talk to at the Department of

3438 Justice about apportionment issues?

3439 A Let me think. I don't -- I don't recall exactly  
3440 who all I spoke to about it.

3441 Q Did you talk to other people other than the  
3442 Attorney General and Ms. Tucker?

3443 A I imagine I did.

3444 Q Do you know whether the Attorney General had  
3445 other discussions about apportionment other than the one  
3446 that you described?

3447 A I don't.

3448 Q Do you know whether he talked to Secretary Ross  
3449 about apportionment?

3450 A I don't.

3451 Q Did you talk about apportionment yourself with  
3452 anybody at the Department of Commerce?

3453 A I believe I discussed it with Peter Davidson and  
3454 James Uthmeier.

3455 Q When did those conversations take place?

3456 A Again, in the September or October 2017 time  
3457 frame.

3458 Q So do you remember the first time you talked  
3459 with Mr. Davidson, let's start with him, about  
3460 apportionment?

3461 A I don't.

3462 Q Do you remember the first time you talked to Mr.

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3463 Uthmeier about apportionment?

3464 A I don't.

3465 Q About how many times would you say you talked to

3466 Mr. Davidson about apportionment?

3467 A Once.

3468 Q And was that in a conversation when you also

3469 discussed the citizenship question?

3470 Mr. Gardner. I instruct the witness not to

3471 answer.

3472 Q You did talk to him about apportionment in the

3473 fall of 2017, right?

3474 A Yes.

3475 Q You did -- you also talked to him about the

3476 citizenship question in the fall of 2017.

3477 A Yes.

3478 Q Were those in the same conversation?

3479 Mr. Gardner. I instruct the witness not to

3480 answer.

3481 Q So you said you talked to Mr. Uthmeier about

3482 apportionment, correct?

3483 A Yes.

3484 Q You also talked to him about the citizenship

3485 question.

3486 A Yes.

3487 Q Both of those conversations took place in the

4114 people in the Department regarding this issue.

4115 Q Did you discuss, with anyone outside of the  
4116 Department of Justice while you were drafting the letter,  
4117 your drafting process?

4118 Mr. Gardner. Sorry, I'm not sure I understand  
4119 the question.

4120 Q Did you discuss drafting what ultimately became  
4121 the December 12th letter with anyone else outside of the  
4122 Department of Justice?

4123 Mr. Gardner. I'm sorry, is your question did  
4124 he discuss the fact that he was drafting the letter?

4125 Ms. Anderson. Yes, that's my first question.

4126 Mr. Gardner. You can answer that.

4127 A Yes.

4128 Q Who did you discuss it with?

4129 A I discussed it with Peter Davidson. I may have  
4130 discussed it with James Uthmeier, although I don't recall  
4131 specifically.

4132 Q Did they give you any comments, feedback, advice  
4133 about the drafting of that letter?

4134 Mr. Gardner. You can answer that with a yes or  
4135 no.

4136 A Yes.

4137 Q Just to be clear, does that yes pertain to both  
4138 Peter Davidson and James Uthmeier or one or the other?

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4139 A Both.

4140 Q How many times would you say you discussed,  
4141 received comments, talked about the drafting of that letter  
4142 with Peter Davidson?

4143 A The fact that -- as I understand, you were  
4144 asking about the fact that I was drafting the letter --

4145 Q Sure.

4146 A -- or that process was going on?

4147 Q Yes.

4148 A I think I would have discussed that with him  
4149 every time I talked to him or almost every time I talked to  
4150 him.

4151 Q Did you discuss the contents of what you were  
4152 drafting with Peter Davidson?

4153 A Yes, I did.

4154 Q Every single time as well?

4155 A Maybe not -- probably not every time, but more  
4156 than once.

4157 Q Did he give you any advice, feedback, or  
4158 comments about the contents of your drafting letter?

4159 Mr. Gardner. You can answer that yes or no.

4160 A Yes.

4161 Q Would you say he gave those comments or feedback  
4162 or -- every single time you spoke with him?

4163 A No.

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4164 Q Do you remember when that time was where you  
4165 received a comment or anything from Peter Davidson on the  
4166 more substantive parts of the drafting?

4167 A Not specifically.

4168 Q Did you incorporate any of those feedback or  
4169 comments into your draft letter?

4170 Mr. Gardner. I instruct the witness not to  
4171 answer.

4172 Q Did you discuss the -- you said you discussed  
4173 the fact that you were drafting the letter with James  
4174 Uthmeier as well; is that correct?

4175 A Correct.

4176 Q Did you discuss the contents of what was in your  
4177 draft letter with James Uthmeier?

4178 A Yes, I did.

4179 Q How many times?

4180 A Once, maybe twice.

4181 Q Did you receive any comments or feedback or  
4182 thoughts about the contents of your draft letter from James  
4183 Uthmeier?

4184 Mr. Gardner. You can answer that with a yes or  
4185 no.

4186 A Yes.

4187 Q What were the substance of those comments?

4188 Mr. Gardner. I instruct the witness not to

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4189 answer.

4190 Q Did any of those comments or thoughts or  
4191 questions go into the draft letter that you wrote?

4192 Mr. Gardner. Same instruction.

4193 Q So you were drafting as part of that October  
4194 time frame, and then what happened next?

4195 A At some point, I believe around November 1st, I  
4196 solicited comments on the draft from a variety of people in  
4197 the Department of Justice.

4198 Q Who were those people?

4199 A Chris Herren. As I explained before, it was  
4200 standard practice in the Civil Rights Division. I wanted  
4201 to get input from the career staff who has a lot of  
4202 experience in Voting Rights Act cases and Voting Rights Act  
4203 issues, and the conduit to do that is to contact the  
4204 section chief, in this case the chief of the Voting  
4205 Section, Chris Herren, and that's what I did with Chris.  
4206 Comments -- I also received comments from Bethany Pickett,  
4207 Ben Aguinaga, Bob Troester, Rachael Tucker.

4208 Q If you could just slow down for just a second.  
4209 Thank you.

4210 Okay. Go ahead.

4211 A Art Gary.

4212 Q Could you just, sorry, quickly remind me of  
4213 those people's positions? I can name them back to you if

# **EXHIBIT 14**



COMMITTEE ON OVERSIGHT AND REFORM,  
U.S. HOUSE OF REPRESENTATIVES,  
WASHINGTON, D.C.

INTERVIEW OF: JAMES UTHMEIER

Tuesday, June 11, 2019

Washington, D.C.

The interview in the above matter was held in Room 6200, O'Neill House Office Building, commencing at 9:35 a.m.

quickly made aware that the 2020 Census was going to be coming up soon, and this was one of the Department's most significant undertakings, requiring many personnel, significant resources, and budget, and numerous related issues. So it would have been a big topic facing the new political appointee.

Q Who did you discuss this issue with during the transition team?

A Are you referring to my work prior to beginning at the Department of Commerce or after beginning?

Q Prior.

A To the best of my recollection, I remember speaking with Eric Branstad. There may have been another individual, but I cannot remember specifically.

Q Did you have discussions with Mark Newman at the time?

A I did not speak with Mark Newman, to my recollection, during my transition period. The first time I would have communicated with him, either in person or over the phone, would have been after I was already a Department of Commerce employee.

Q Did you create any written materials about your research into the Census?

A No.

Q During that time, did you -- what email address did you use?

A During which time?

Q The transition when you were working informally and formally on the transition team?

A I would have used my Jones Day law firm email for some matters. At some point, I would have likely used my Gmail address as well.

Q Did you have a transition team email address?

A I did not.

Q So, I believe you mentioned earlier that you first joined the Department of

being instructed to do so by anyone. Is that your testimony?

A No. I think one thing being misconstrued here is the timeframe. In the beginning the citizenship question came up as one item that the Census was aware of. And there all the work that I just laid out that I conducted, I am talking about throughout the duration of my time at the Department. I didn't realize you are focusing on the first month or 2. This became a more significant research topic for me as 2017 progressed, and I realized it may be reinstating the question, may be something that the Secretary ultimately decided to do.

Q So when did you become aware that reinstating the question was something the Secretary might ultimately decide to do?

A The Secretary asked me to look into the issue. I would say at some point in the spring of 2017, likely March or April.

BY MS. ANDERSON:

Q How did he let you know that?

A And to be clear, are you asking written or orally, is that still the question?

Q For now, yes, let's start there.

A To the best of my recollection, it would have come up in one of our in-person briefings, likely while we were talking about multiple topics, where he was trying to get more information to help him make decisions. I know that I was also asked by Earl Comstock, the policy director, to begin looking into the issue as well.

Q What did the Secretary ask you to look into?

Mr. Dewhirst. I am going to direct the witness not to answer, that implicates executive branch confidentiality and litigation concerns.

Mr. Anello. Are you asserting a privilege?

Mr. Dewhirst. I am sorry, if you didn't hear me.

Were you instructed or did you do anything else regarding the citizenship question after you provided the memo, and after you received this email asking for progress and provided a progress update email?

A Did I do anything about --

Q The citizenship question?

A With regard to the citizenship question?

Q Yes.

A Can you repeat that question? I'm sorry.

Q Sure.

You said earlier that you provided a legal memo to Earl Comstock and the Secretary. And then after that we talked about the emails that were sent in early September. And you said you remember providing an update email to the Secretary or a response to him asking for progress.

Did you do anything after that time period with regard to the citizenship question?

A Yes.

Q What did you do?

A I continued to collect information and receive counsel from Census officials as well as attorneys that worked on Census issues. And I would have had other conversations within the administration on the topic.

Q Who did you have conversations with within the administration?

A I consulted John Gore at the Department of Justice. Again, as I said earlier, I was referred to him as the Department's, you know, Voting Rights Act expert. I believe at the time he was heading up the Office of Civil Rights at Justice. And I would have provided updates to individuals at the White House.

Q Who at the White House would you provide updates to?

Mr. Hull. I am going to instruct the witness not to answer.

Mr. Anello. The names of the officials? Is it a secret who works at the White House? I mean what's the basis for that?

I think the question was he said he provided updates to people at the White House. The question is to whom did he provide the updates, it is not a substantive question about the updates themselves.

Mr. Dewhirst. The instruction remains.

Mr. Anello. On what basis? These are public servants, right? Taxpayers are paying their salaries. So if they work at the White House I think we can know that they were there. And if he can tell us that he talked to someone at the White House, I think he can tell us who. I am not aware of any basis for withholding the name of somebody that he spoke to.

You haven't held that line anywhere else during this many-hour conversation.

Mr. Dewhirst. The instruction remains in effect.

Mr. Anello. Did you talk to the President of the United States about this?

Mr. Dewhirst. Yeah, same instruction.

Mr. Anello. On what basis? Is it a confidentiality interest to talk to -- the fact that he had a conversation? I am is serious, what is the basis for this objection?

Mr. Dewhirst. Look, Russ or Ross, what --

Mr. Anello. It's Russ. Thank you.

Mr. Dewhirst. The instruction remains in effect.

Mr. Anello. But I haven't heard what the basis for the objection is.

Mr. Dewhirst. Okay.

Mr. Anello. Our rules require us to have the basis for the objection. Is there a basis for the objection? Maybe I missed it. I don't know. Does anybody know what

the basis is?

So you are just sort of refusing to tell us who you talked to at the White House, is that what we have, but without a reason?

Mr. Dewhirst. Yeah, I don't know how much clearer I can be on this, Ross. But he's --yeah, he's instructed not to answer.

Mr. Anello. Without a basis, it is just a clean instruction not to answer?

Mr. Dewhirst. No, it is on the same basis.

Mr. Anello. What is the basis for the instruction?

Mr. Dewhirst. Executive branch confidentiality concerns.

Mr. Anello. So the identity of the White House officials with whom Mr. Uthmeier spoke is something that you cannot tell Congress?

Mr. Uthmeier, did you speak with Steve Bannon about this issue?

Mr. Dewhirst. Same instruction to the witness.

Mr. Anello. Did you speak with the chief of staff at the White House this time?

Mr. Dewhirst. Same instruction.

Mr. Anello. Did you speak to anybody at Domestic Policy Council?

Mr. Dewhirst. Same instruction.

Mr. Anello. Did you to Stephen Miller about it?

Mr. Dewhirst. Same instruction.

Mr. Anello. Did anybody at the White House tell you to pursue this issue?

I haven't heard an answer or an instruction to that question. Did anybody at the White House tell you to pursue the issue of citizenship question?

Mr. Uthmeier. No.

BY MR. ANELLO:

Q Okay. Did anybody at the White House express interest in the citizenship

that is the way that we can provide that information in a way that safeguards our interests and provides you with -- with the information you are looking for.

BY MS. ANDERSON:

Q Did you ever become aware of conversations between anyone at the Department of Commerce and anyone at the White House about the citizenship question?

A Yes.

Q Okay. Who did those conversations occur between?

Mr. Dewhirst. And that is where I am going to instruct the witness not to -- not to answer on the bases previously stated.

Ms. Anderson. Were you aware --

Mr. Dewhirst. If I could -- I am sorry to cut you off. But the witness has previously testified a couple of times today that -- that he received -- no one at the Department received any direction on the issue of the citizenship question and that the White House is not involved in the ultimate decision the Secretary made on the citizenship question.

Ms. Anderson. I understand that. My question was --

Mr. Dewhirst. I am sorry. Go ahead.

Ms. Anderson. My question was a little bit different than that. So I will just repeat it just so the record is very clear about what my question was, which was --

Mr. Dewhirst. Sure.

Ms. Anderson. He answered yes to the question that he was aware of conversations that happened between the Department of Commerce and the White House. And then I asked about the citizenship question, and I asked him who did those conversations occur between.

And then I understand that is where you were not allowing him to answer that question. Is that correct?

Mr. Dewhirst. That is correct.

BY MS. ANDERSON:

Q Were you ever aware of Secretary Ross speaking with Kris Kobach about the citizenship question?

A I was made aware of that fact, but I believe -- I cannot remember when I learned of that fact. I was made aware of it. It may have been while I was conducting research and meeting with senior Department officials on the topic. But it may also have been as a result of litigation, having seen some emails.

I have also heard at least part of the Secretary's testimony before the committee, and I believe information on this topic came out at the time. So I do not recall when I learned that fact, but I did not ever participate in any of those discussions.

BY MR. ANELLO:

Q This is Russ Anello. Are you aware of any conversations involving the citizenship question that the President participated in?

A No.

Q Are you aware of any conversations that Mr. Bannon participated in relating to the citizenship question?

Mr. Hull. This is Cordell. And to the extent the witness can answer that without revealing privileged information, we will permit him to answer.

Mr. Uthmeier. I am aware of at least an email communication that took place involving Mr. Bannon only as a result of discovery for litigation purposes.

Mr. Anello. Okay. Are you aware of any other conversations with White House staff aside from Mr. Zadrozny, which I guess we addressed separately, related to the



citizenship question?

Mr. Hull. Again, this is Cordell. And reiterating the bases on which we have had the discussion about this. But I will allow him to answer to the extent that he can answer within the parameters we have set out.

Mr. Uthmeier. Yeah. As I have stated, I spoke with White House personnel. I am aware of at least, you know, a couple of other individuals that would have also spoken with the White House on this topic, always in a briefing capacity, providing updates, insuring that, you know, the executive branch is coordinated and that there are no surprises.

When the DOJ letter was leaked, immediately there were press stories, there were -- there were allegations, things were misconstrued. And myself and other Commerce personnel provided -- you know, answered questions and provided briefings to other administration officials to explain, you know, what we were working on and just provide updates generally.

Mr. Anello. Okay. Who at the White House did you brief about the citizenship question?

Mr. Hull. And again, this is Cordell. Again, we have laid out the parameters on this, so I would instruct the witness not to answer.

Mr. Anello. But I guess I don't understand. He is allowed to say who he didn't talk to, but he can't say who he did talk to? Is that what you're saying?

Should we, like, read a list of everybody at the White House, and he can say no and then just not answer the people he did talk to?

Mr. Hull. Mr. Anello, we are trying to provide accomodation to the committee. You asked about a certain number of people --

Mr. Anello. The minority staff had unlimited number of people. I would like to

know anybody that he talked to.

Mr. Hull. We have let you finish. I am trying to explain the basis. You continue to interrupt me. We have explained the basis for this. I understand that the committee doesn't agree with that, and that is fine, and we will continue to look for a way to try and get the committee the information it seeks.

We tried to make an accomodation earlier during this round to get you the information you are seeking. I understand you believe that to be unacceptable. But sitting here today, right now, this is where we are.

Mr. Anello. Okay. But just to be really clear, you will not tell us who you talked to at the White House? If we guess the name is wrong, you will tell us the name is wrong, but you will not --

Mr. Castor. That is not true. I mean, we --

Mr. Anello. I am serious. I want to know who he talked to.

Mr. Castor. I understand you want to know that.

Mr. Anello. If we give him a name he didn't talk to, he will tell us that, but he won't tell us who he did talk to. That doesn't any make sense.

Mr. Castor. Based on what we do know, we know that it is unlikely that he talked to the President, and so he was able to confirm that. I mean --

Mr. Anello. But that is why we are here for the interview, to learn something new from him, to learn who he talked to. And if he is only willing to tell us people that we know he didn't talk to, I am not sure what --

Mr. Castor. I mean, if you give him a list of names, I am sure he will --

Mr. Anello. The list is anybody who worked in the White House. Why would I have to give him the list of names? He knows who he talked to. He can tell us.

Mr. Castor. I don't think it is anybody other than Zadrozny, but --

Mr. Anello. Well, then, he can tell us that. I am not trying to be -- this is not a trick question.

Mr. Castor. I know, but I mean, it is not fair for them -- for us to ask him to go back and say, like, check the names Trump and Priebus and --

Mr. Anello. He doesn't have to check anything. I am asking from his recollection.

Mr. Castor. I know, but it is just -- I mean, it was like a good faith effort by them, and you kind of got -- you kind of quarreled a little bit there with them.

Mr. Anello. Well, I don't mean to quarrel. I just don't understand the basis here. I just would like to know, if you are able to start picking off individual people he didn't talk to, it seems a little unreasonable to tell us you are not going to tell us who he did talk to.

Mr. Castor. And I think they will go back --

Cordell, you can go back and figure out if there is a way to answer this?

Mr. Dewhirst. This is David, and we will absolutely continue to try to figure out ways to accommodate the committee's interest.

But I will note this. With the information the witness has provided, Russ, what I haven't heard from you, given the fact that we have established the White House wasn't involved in any way with the decision-making process that --

Mr. Anello. That is you -- you have stated that. I don't think we have established that.

Mr. Dewhirst. Let me finish, please. Let me finish. I don't appreciate that you are constantly talking over me.

So let me -- let me finish my thought, please.

And that is this. What is the legislative purpose for this inquiry in the first place if

we have already had the witness testify truthfully about the underlying issue, that they had no material involvement, that the nature of the conversations were mere briefings. I mean, he said that multiple times, Russ.

And if you -- if you can't articulate why you have a particularized need for this information, if you can't articulate what the legislative purpose is for that piece of information, then we have to refer you to the White House for that information, and we are happy to do that.

Mr. Anello. Okay. I take it that you are refusing to answer -- you are refusing to allow the witness allow --

Mr. Dewhirst. Please, Russ, please let me finish.

Mr. Anello. Go ahead.

Mr. Dewhirst. Please. We will be -- as I mentioned to Steve, just like we have already done today in the span of a couple of hours, we are going to put our heads together and try to figure out a way to provide the information, because we know you are interested in it.

But I will say, on the other hand, that this accommodation process is a two-way street. And this information seems highly immaterial to the investigation, to the fact-finding you are trying to conduct. And if you can't articulate a purpose for that specific piece of information, then we will just have to refer you to the White House.

Mr. Anello. Okay. If you are finished, we have articulated our purposes for asking these questions and all the questions in this investigation many times. The role of the White House is absolutely material. We have heard many instances in which the White House was involved in this decision-making process, contrary to what you just asserted, and the question is what Mr. Uthmeier knows about that.

Now, I understand his opinion is that they did not play a role in the

decision-making process. But it is also possible that he may have limited information about the role that they played. And the communications that he did have with the White House might be extremely material in helping us understand who at the White House was involved in these issues.

So I don't think there is any question -- I am sorry -- I am going to finish now.

I don't think there is any question that we have a legislative purpose. I am kind of surprise to hear you suggest otherwise. And I understand the instruction that you have made to the witness, which is not to answer the question. And I am happy for us to move on at this point.

Mr. Dewhirst. I think we can move on. I think that is fine.

[Uthmeier Exhibit No. 14

Was marked for identification.]

BY MS. ANDERSON:

Q If you could look at Exhibit 14.

A 14?

Q Yes. 14.

A I am sorry. Give me just a minute.

Q Okay. And it should be in the first email.

Have you had a chance to review?

A Yes, I have.

Q Okay. It is an email from John Zadrozny on February 16, 2018, to you, Gene Hamilton, and -- it is blacked out, but Brian.

And it says, quote, I want to connect with the three of you about having that conversation we discussed at some point this week.

Why was he connecting the three of you?

A I do not recall.

Q Was the conversation that he was referring to about the citizenship question?

A I am not sure. I do not recall ever meeting with Gene Hamilton. You know, if I may have had interaction with him and forgotten, I apologize. But I am not even sure if this meeting took place.

Q Do you remember speaking with John Zadrozny around this time?

A I remember speaking with John on multiple occasions around this time, yes. I don't know if it was specific to this day.

Q Okay. And you spoke with him about the citizenship question; is that correct?

Mr. Dewhirst. I am going to interpose an instruction of the witness not to answer. That implicates the executive branch and litigation concerns, confidentiality and litigation concerns.

Ms. Anderson. Was John Zadrozny --

Mr. Dewhirst. Dewhirst.

Ms. Anderson. I am sorry. That was Mr. Dewhirst.

Mr. Dewhirst. I am sorry, too. That is an awkward thing, but anyway.

BY MS. ANDERSON:

Q Was John Zadrozny one of the people at the White House that you did brief about the citizenship question issue?

A Yes, among several other individuals.

Q How many times did you brief him about the citizenship question?

A I provided updates on a couple of occasions. I know I provided updates following this leak of the DOJ letter and several press stories that broke thereafter. But

Q Mr. Uthmeier, did you ever discuss legislative apportionment, restricting, or election outcomes in connection with the citizenship question?

Mr. Hull. I am going to instruct the witness not to answer as that implicates executive branch confidentiality and litigation concerns.

Ms. Anderson. Did you have any discussions about legislative apportionment, redistricting, or election outcomes in connection with the citizenship question with anyone outside of the administration?

Mr. Hull. To the extent that you can answer in a way that doesn't implicate executive branch confidentiality and litigation concerns, you may.

Mr. Uthmeier. I consulted a law professor, a long-time mentor, to obtain information on how citizenship data was used historically, as I was just beginning to brief up on all topics census at the Department.

He would have provided some overview to me on the statutory authorities that dictate how censuses are conducted. In that context, he may have discussed the various reasons why certain questions are asked on certain forms, and he may have discussed apportionment in that context. But absent that, I am not aware of any conversations, no.

BY MS. ANDERSON:

Q And who was that?

A His name is John Baker.

Q And where does he currently work?

A I do not know. I believe he still teaches at Georgetown Law on occasion.

Q Mr. Uthmeier, you mentioned briefly that part of your role at the Department of Commerce was responding to congressional requests. Is that correct?

A That is correct, yes.

# **EXHIBIT 15**



IB15staC

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

3 STATE OF NEW YORK, et al.,

4 Plaintiffs,

5 v.

18 Civ. 2921 (JMF)

6 UNITED STATES DEPARTMENT OF  
7 COMMERCE, et al.,

Conference

8 Defendants.

9  
10 -----x  
11 NEW YORK IMMIGRATION  
12 COALITION, et al.,

13 Plaintiffs,

14 v.

18 Civ. 5025 (JMF)

15 UNITED STATES DEPARTMENT OF  
16 COMMERCE, et al.,

17 Defendants.

18 -----x  
19  
20 New York, N.Y.  
November 1, 2018  
11:15 a.m.

21 Before:

22 HON. JESSE M. FURMAN,

23 District Judge

IB15staC

1 issues that remain open pretrial. First is the pending motion  
2 to compel disclosure of certain documents as to which the  
3 government has invoked privilege. This is docket no. 414.  
4 Upon review of the parties' letters and the documents  
5 themselves which were submitted to me for my review in camera,  
6 that motion is denied. First, I agree that the post-it note is  
7 protected under all three doctrines invoked by defendant; and  
8 second, I find that the documents shared with Mr. Neuman are  
9 protected either by the attorney-client privilege, deliberative  
10 process privilege, or both. There is certainly some tension,  
11 to say the least, between the government's description of  
12 Mr. Neuman's role when it opposed plaintiff's request to depose  
13 him back in September and its description of his role now.  
14 Indeed, I will say that I find the inconsistency between the  
15 position that the government took then that Mr. Neuman was  
16 simply one of a dozen or so outsiders with whom Secretary Ross  
17 happened to discuss the census and its position now, namely  
18 that he was a "trusted advisor" is somewhat troubling. But,  
19 having argued successfully that Mr. Neuman was a trusted  
20 advisors plaintiffs are in no position to argue otherwise now  
21 and, in any event, the evidence supports the conclusion that he  
22 was such a person.

23           Given that, and given the case law cited in  
24 defendant's letter, I do not think that the mere act of sharing  
25 those documents with Mr. Neuman vitiated or waived either of

# **EXHIBIT 16**

**From:** Wilbur Ross [REDACTED]  
**Sent:** 5/2/2017 2:23:38 PM  
**To:** Teramoto, Wendy (Federal) [REDACTED]  
**Subject:** Re: Census

Let's try to stick him in there for a few days to fact find. W

Sent from my iPhone

On May 2, 2017, at 7:17 AM, Teramoto, Wendy (Federal) <[REDACTED]> wrote:  
I continue to talk frequently with Marc Neumann and we often have dinner together. He will not leave les but is in love with the census and talks about it non stop. [REDACTED] Do you want me to set up another meeting? [REDACTED]  
[REDACTED] Let me know if you want to have a drink or get together with him over the weekend.  
Wendy

Sent from my iPhone

Begin forwarded message:

**From:** "Alexander, Brooke (Federal)" [REDACTED]  
**Date:** May 2, 2017 at 7:10:21 AM PDT  
**To:** "Teramoto, Wendy (Federal)" <[REDACTED]>  
**Subject:** FW: Census

-----Original Message-----

**From:** Wilbur Ross [REDACTED]  
**Sent:** Tuesday, May 02, 2017 10:04 AM  
**To:** Comstock, Earl (Federal) <[REDACTED]>; Herbst, Ellen (Federal) <[REDACTED]>  
**Subject:** Census

[REDACTED]

Worst of all they emphasize that they have settled with congress on the questions to be asked. I am mystified why nothing have been done in response to my months old request that we include the citizenship question. Why not? [REDACTED]

[REDACTED]



# **EXHIBIT 17**

**To:** Kelley, Karen (Federal); [PII] Hernandez, Israel (Federal); [PII]  
**From:** Park-Su, Sahra  
**Sent:** Mon 9/11/2017 10:39:25 PM  
**Importance:** Normal  
**Subject:** Re: Census Matter Follow-Up  
**Received:** Mon 9/11/2017 10:39:26 PM

FYI

Sent from my iPhone

On Sep 11, 2017, at 6:38 PM, Uthmeier, James (Federal) <[PII]> wrote:

Sahra-

Here is the attached from last week. Apologies, I will make sure to keep you in the loop on this stuff.

James

---

**From:** Uthmeier, James (Federal)  
**Sent:** Friday, September 08, 2017 6:07 PM  
**To:** Comstock, Earl (Federal) <[PII]> Davidson, Peter (Federal) <[PII]>  
**Cc:** Teramoto, Wendy (Federal) <[PII]>  
**Subject:** Re: Census Matter Follow-Up

Earl-

Here is an update on our efforts:

# ACP/Deliberative

# ACP/Deliberative

# ACP/Deliberative

Peter and I plan to continue discussing this on Monday and will look forward to reviewing with you and the Secretary. I will also continue to research the **ACP/Deliberative** throughout the weekend. If other thoughts or needs come up over the weekend, please do not hesitate to call me on my cell.

Have a nice weekend,

James

---

**From:** Comstock, Earl (Federal)

**Sent:** Thursday, September 07, 2017 6:13 PM

**To:** Davidson, Peter (Federal) <[REDACTED]>; Uthmeier, James (Federal)

<[REDACTED]>

**Cc:** Teramoto, Wendy (Federal) <[REDACTED]>

[REDACTED]

COM\_DIS00019688



**Subject:** Re: Census Matter Follow-Up

I suggest setting up a call for tomorrow. The Secretary is asking for progress on this. Earl

---

**From:** "Davidson, Peter (Federal)" [PII]  
**Date:** Thursday, September 7, 2017 at 5:30 PM  
**To:** "Uthmeier, James (Federal)" [PII] "Comstock, Earl (Federal)"  
[PII]  
**Cc:** Wendy Teramoto [PII]  
**Subject:** RE: Census Matter Follow-Up

I don't believe it was the AG of Kansas, but instead the Sec of State that he was referring to. He is the state official that is heading up the anti-fraud working group. I am concerned about contacting him

**ACP/Deliberative**

ve contacted him, and the Sec will be  
is set up a meeting with some trusted  
n, before we do anything externally. I  
er, Mark Neumann, Ken  
is and/or good political judgment. We  
timeout on any external contacts on this  
looking into this.

---

**From:** Uthmeier, James (Federal)  
**Sent:** Thursday, September 07, 2017 4:58 PM  
**To:** Comstock, Earl (Federal)  
**Cc:** Davidson, Peter (Federal) [PII]  
**Subject:** Re: Census Matter Follow-Up

Hi Earl-

**ACP/Deliberative**

# ACP/Deliberative

I'll also spend more time looking at the

ACP/Deliberative

James

On Sep 7, 2017, at 4:53 PM, Comstock, Earl (Federal)

PII

wrote:

Hi Peter and James –

As I discussed with James a little while ago, the Secretary would like an update on progress since the discussion yesterday regarding the citizenship question.

If we could get a short email or memo today that would be great.

Thanks. Earl

<nihms-497406.pdf>

# **EXHIBIT 18**

Page	Page	Beg. Bate	Prod.:End Bates	Prod.:Beg. Attac	Prod.:End Attac	To	FROM	CC	DATE / SENT	AUTHOR	DATE TIME CRTD	FILENAME	Redacted or	Privilege	Privilege Log Description
3		DOJ00002721	DOJ00002721	DOJ00002721	DOJ00002722	Tucker, Rachael (OAG)	Gore, John (CRT)		12/8/2017 12:00			Letter.msg	WIF	DPP	Email between DOJ lawyers deliberating about edits and changes to a draft of the Gary Letter.
4		DOJ00002722	DOJ00002722	DOJ00002721	DOJ00002722	N/A	N/A				12/8/2017 11:28	Request for Citizenship Information.Dec 8 REDLINE.docx	WIF	DPP	This is a draft of the Gary letter which contains text and comments which are different from the final version and which reflect internal agency deliberations
7		DOJ00002736	DOJ00002736	DOJ00002735	DOJ00002736	N/A	N/A				11/29/2017 16:52	Dr.Jarmin Census Bureau Letter.pdf	WIF	DPP	Draft of the Gary Letter that contains deliberative material and pre-dates the final Gary Letter.
8		DOJ00002738	DOJ00002738	DOJ00002738	DOJ00002739	Gary, Arthur (JMD)	Gore, John (CRT)		11/3/2017 17:10			Close Hold Draft Letter.msg	Redacted	PII	PII redacted to avoid unsolicited contact.
9		DOJ00002739	DOJ00002739	DOJ00002738	DOJ00002739	N/A	N/A				11/3/2017 15:34	Letter (rev).docx	WIF	DPP	Draft of the Gary Letter that contains deliberative material and pre-dates the final letter.
24		DOJ00002786	DOJ00002786	DOJ00002785	DOJ00002786	N/A	N/A				11/29/2017 10:19	Request for Citizenship Information.Nov29 FINAL.docx	WIF	DPP	Draft of Gary letter dated November 29, 2018.
149		DOJ00003740	DOJ00003740	DOJ00003740	DOJ00003741	Pickett, Bethany (CRT)	Aguinaga, Ben (CRT)		11/3/2017 14:03			FW: Confidential & Close Hold: Draft Letter.msg	Redacted	PII	Private email address redacted.
150		DOJ00003741	DOJ00003741	DOJ00003740	DOJ00003741	N/A	N/A			John Gore	10/31/2017 11:17	Letter.docx	WIF	AWP;DPP	This document is a preliminary draft of the Gary letter, to which changes were later made.
162		DOJ00003890	DOJ00003890	DOJ00003889	DOJ00003890	N/A	N/A			John Gore	10/31/2017 11:17	Letter.docx	WIF	DPP	11/3/17 draft of letter from DOJ to DOC re request to reinstate citizenship question on 2020 census questionnaire
309		DOJ00014793	DOJ00014794	DOJ00014793	DOJ00014795	Gore, John (CRT)	Tucker, Rachael (OAG)	N/A	12/8/2017 16:26			RE: Letter.msg	Redacted	DPP; PII	Email deliberations regarding proposed edits to the final letter and deliberations regarding the timing for sending the letter. Additionally, PII containing individuals' email addresses and phone numbers.
310		DOJ00014795	DOJ00014795	DOJ00014793	DOJ00014795	N/A	N/A	N/A			12/8/2017 16:23	Request for Citizenship Information.Dec 8 REDLINE edits.docx	WIF	DPP	Draft of the Gary Letter showing DOJ attorneys' edits to the text and organization of the letter.
311		DOJ00014796	DOJ00014796	DOJ00014796	DOJ00014797	Gore, John (CRT); Troester, Robert J. (ODAG)	Tucker, Rachael (OAG)	N/A	11/29/2017 20:47			RE: Census Letter.msg	Redacted	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
312		DOJ00014797	DOJ00014797	DOJ00014796	DOJ00014797	N/A	N/A	N/A			11/29/2017 20:46	Request for Citizenship Information.Nov26 REDLINE RCT edits.docx	WIF	DPP	Draft of the final letter reflecting proposed edits to its text.
313		DOJ00014798	DOJ00014799	DOJ00014798	DOJ00014800	Gore, John (CRT); Tucker, Rachael (OAG)	Troester, Robert J. (ODAG)	N/A	11/30/2017 9:21			RE: Census Letter.msg	Redacted	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
314		DOJ00014800	DOJ00014800	DOJ00014798	DOJ00014800	N/A	N/A	N/A			11/30/2017 9:20	Request for Citizenship Information.Nov26 REDLINE RCT edits (RJT edits).docx	WIF	DPP	Draft of the final letter reflecting proposed edits to the text
315		DOJ00014801	DOJ00014801	DOJ00014801	DOJ00014802	Gore, John (CRT)	Pickett, Bethany (CRT)	N/A	11/3/2017 17:35			Letter.msg	Redacted	PII	Attorney phone number.
316		DOJ00014802	DOJ00014802	DOJ00014801	DOJ00014802	N/A	N/A	N/A		John Gore	10/31/2017 11:17	Letter.docx	WIF	DPP	Draft of the final letter reflecting proposed edits and comments on the text.
317		DOJ00014803	DOJ00014803	DOJ00014803	DOJ00014804	Gore, John (CRT)	Herren, Chris (CRT)	Aguinaga, Ben (CRT)	11/3/2017 14:09			RE: Confidential & Close Hold: Draft Letter.msg	Redacted	PII	Attorney email addresses and contact information.
318		DOJ00014804	DOJ00014804	DOJ00014803	DOJ00014804	N/A	N/A	N/A			11/3/2017 14:04	Letter (rev).docx	WIF	DPP	Draft of the final letter reflecting proposed edits and comments on the text.

Row	Prod.:Beg. Bate	Prod.:End Bates	Prod.:Beg. Attac	Prod.:End Attac	To	FROM	CC	DATE / SENT	AUTHOR	DATE TIME CRTD	FILENAME	Redacted or	Privilege	Privilege Log Description
321	DOJ00014821	DOJ00014825	DOJ00014821	DOJ00014826	Gary, Arthur (JMD)	Gore, John (CRT)	N/A	12/8/2017 16:42			RE: Close Hold: Draft Letter.msg	Redacted	DPP; PII	Redacted phone numbers and emails as PII. Redacted internal agency discussions of a draft that pre-dates the final Gary letter.
322	DOJ00014826	DOJ00014826	DOJ00014821	DOJ00014826	N/A	N/A	N/A			12/8/2017 16:41	Request for Citizenship Information.Dec 8 REDLINE edits (002).docx	WIF	DPP	This is a draft of the Gary letter which contains edits and comments which are different from the final version and which reflect internal agency deliberations.
323	DOJ00014827	DOJ00014831	DOJ00014827	DOJ00014833	Gary, Arthur (JMD)	Gore, John (CRT)	N/A	12/8/2017 15:57			RE: Close Hold: Draft Letter.msg	Redacted	DPP; PII	Redacted phone numbers and emails as PII. Redacted internal agency discussions of a draft that pre-dates the final Gary letter.
324	DOJ00014832	DOJ00014832	DOJ00014827	DOJ00014833	N/A	N/A	N/A			12/8/2017 11:28	Request for Citizenship Information.Dec 8 REDLINE.docx	WIF	DPP	This is a draft of the Gary letter which contains text and comments which are different from the final version and which reflect internal agency deliberations
325	DOJ00014833	DOJ00014833	DOJ00014827	DOJ00014833	N/A	N/A	N/A			12/8/2017 15:55	Request for Citizenship Information.Dec 8 CLEAN.docx	WIF	DPP	This is a draft of the Gary letter which contains text and comments which are different from the final version and which reflect internal agency deliberations
326	DOJ00014834	DOJ00014837	DOJ00014834	DOJ00014839	Gary, Arthur (JMD)	Gore, John (CRT)	N/A	11/30/2017 16:21			RE: Close Hold: Draft Letter.msg	Redacted	DPP; PII	Redacted phone numbers and email addresses as PII. Redacted part of email chain which reflects internal agency deliberations over draft of the Gary letter.
327	DOJ00014838	DOJ00014838	DOJ00014834	DOJ00014839	N/A	N/A	N/A			11/30/2017 16:13	Request for Citizenship Information.Nov30 REDLINE.docx	WIF	DPP	This is a draft of the Gary letter which contains text and comments which are different from the final version and which reflect internal agency deliberations
328	DOJ00014839	DOJ00014839	DOJ00014834	DOJ00014839	N/A	N/A	N/A			11/30/2017 16:16	Request for Citizenship Information.Nov30 CLEAN.docx	WIF	DPP	This is a draft of the Gary letter which contains text which are different from the final version and which reflect internal agency deliberations
329	DOJ00014840	DOJ00014841	DOJ00014840	DOJ00014842	Troester, Robert J. (ODAG); Tucker, Rachael (OAG)	Gore, John (CRT)	N/A	11/30/2017 16:17			RE: Census Letter.msg	Redacted	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
330	DOJ00014842	DOJ00014842	DOJ00014840	DOJ00014842	N/A	N/A	N/A			11/30/2017 16:16	Request for Citizenship Information.Nov30 CLEAN.docx	WIF	DPP	This is a draft of the Gary letter which contains text which are different from the final version and which reflect internal agency deliberations
331	DOJ00014843	DOJ00014846	DOJ00014843	DOJ00014847	Gary, Arthur (JMD)	Gore, John (CRT)	N/A	11/27/2017 13:25			RE: Close Hold: Draft Letter.msg	Redacted	DPP; PII	Redacted e-mail addresses and phone numbers as PII. Redacted internal agency deliberations about drafts of the Gary Letter.
332	DOJ00014847	DOJ00014847	DOJ00014843	DOJ00014847	N/A	N/A	N/A			11/25/2017 16:28	Request for Citizenship Information.Nov26 REDLINE.docx	WIF	DPP	This is a draft of the Gary letter which contains text and comments which are different from the final version and which reflect internal agency deliberations
333	DOJ00014848	DOJ00014848	DOJ00014848	DOJ00014849	Tucker, Rachael (OAG); Troester, Robert J. (ODAG)	Gore, John (CRT)	N/A	11/27/2017 12:42			Census Letter.msg	Redacted	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter. Redacted phone numbers and emails as PII.
334	DOJ00014849	DOJ00014849	DOJ00014848	DOJ00014849	N/A	N/A	N/A			11/25/2017 16:28	Request for Citizenship Information.Nov26 REDLINE.docx	WIF	DPP	This is a draft of the Gary letter which contains text and comments which are different from the final version and which reflect internal agency deliberations
335	DOJ00014850	DOJ00014852	DOJ00014850	DOJ00014853	Gary, Arthur (JMD)	Gore, John (CRT)	N/A	11/25/2017 16:32			RE: Close Hold: Draft Letter.msg	Redacted	DPP; PII	Redacted emails and phone numbers as PII. Redacted part of email chain as deliberative inter-agency discussions concerning a draft of the Gary letter.

Row	Prod.:Beg. Bate	Prod.:End Bates	Prod.:Beg. Attac	Prod.:End Attac	To	FROM	CC	DATE / SENT	AUTHOR	DATE TIME CRTD	FILENAME	Redacted or	Privilege	Privilege Log Description
336	DOJ00014853	DOJ00014853	DOJ00014850	DOJ00014853	N/A	N/A	N/A			11/25/2017 16:28	Request for Citizenship Information.Nov26 REDLINE.docx	WIF	DPP	This is a draft of the Gary letter which contains text and comments which are different from the final version and which reflect internal agency deliberations
337	DOJ00014854	DOJ00014854	DOJ00014854	DOJ00014855	Gary, Arthur (JMD)	Gore, John (CRT)	N/A	11/3/2017 17:10			Close Hold: Draft Letter.msg	Redacted	PII	Redacted phone number and email address as PII
338	DOJ00014855	DOJ00014855	DOJ00014854	DOJ00014855	N/A	N/A	N/A			11/3/2017 15:34	Letter (rev).docx	WIF	DPP	This is a draft of the Gary letter which contains text which are different from the final version and which reflect internal agency deliberations
339	DOJ00014856	DOJ00014856	DOJ00014856	DOJ00014857	Herren, Chris (CRT)	Gore, John (CRT)	Aguiñaga, Ben (CRT)	11/1/2017 18:31			Confidential & Close Hold: Draft Letter.msg	Redacted	PII	Redacted phone number and email as PII
340	DOJ00014857	DOJ00014857	DOJ00014856	DOJ00014857	N/A	N/A	N/A		John Gore	10/31/2017 11:17	Letter.docx	WIF	DPP	Draft of the final letter
345	DOJ00014877	DOJ00014879	DOJ00014877	DOJ00014881	Gore, John (CRT)	Gary, Arthur (JMD)	N/A	11/22/2017 17:30			RE: Close Hold: Draft Letter.msg	Redacted	DPP; PII	Redacted phone numbers and emails as PII Redacted intra-agency deliberative discussion concerning a draft of the Gary letter
346	DOJ00014880	DOJ00014880	DOJ00014877	DOJ00014881	N/A	N/A	N/A			11/22/2017 17:24	Request for Citizenship Information.Nov22 draft CLEAN.OCG.docx	WIF	DPP	This is a draft of the Gary letter which contains text which are different from the final version and which reflect internal agency deliberations
347	DOJ00014881	DOJ00014881	DOJ00014877	DOJ00014881	N/A	N/A	N/A			11/22/2017 17:20	Request for Citizenship Information.Nov22 draft REDLINE.OCG.docx	WIF	DPP	This is a draft of the Gary letter which contains text and comments which are different from the final version and which reflect internal agency deliberations
367	DOJ00014946	DOJ00014951	DOJ00014946	DOJ00014951	Gore, John (CRT)	Gary, Arthur (JMD)	N/A	11/1/2017 13:44			Re 2020 census questions (52).msg	Redacted	DPP	Redacted portions containing deliberations by agency attorneys concerning the possible addition of a citizenship question, and PII that could result in unsolicited contact.
368	DOJ00014952	DOJ00014956	DOJ00014952	DOJ00014956	Gore, John (CRT)	Gary, Arthur (JMD)	N/A	11/1/2017 13:43			Re 2020 census questions (53).msg	Redacted	DPP; PII	Redacted portions containing deliberations by agency attorneys concerning the possible addition of a citizenship question, and PII that could result in unsolicited contact.
369	DOJ00014957	DOJ00014961	DOJ00014957	DOJ00014961	Gary, Arthur (JMD)	Gore, John (CRT)	N/A	11/1/2017 13:41			RE 2020 census questions (54).msg	Redacted	DPP; PII	Redacted portions containing deliberations by agency attorneys concerning the possible addition of a citizenship question, and PII that could result in unsolicited contact.
370	DOJ00014962	DOJ00014966	DOJ00014962	DOJ00014966	Gary, Arthur (JMD)	Gore, John (CRT)	N/A	11/1/2017 13:27			RE 2020 census questions (55).msg	Redacted	DPP; PII	Redacted portions containing deliberations by agency attorneys concerning the possible addition of a citizenship question, and PII that could result in unsolicited contact.
371	DOJ00014967	DOJ00014971	DOJ00014967	DOJ00014971	Gary, Arthur (JMD)	Gore, John (CRT)	N/A	11/1/2017 12:02			RE 2020 census questions (56).msg	Redacted	DPP; PII	Redacted portions containing deliberations by agency attorneys concerning the possible addition of a citizenship question, and PII that could result in unsolicited contact.
372	DOJ00014972	DOJ00014976	DOJ00014972	DOJ00014976	Gore, John (CRT)	Gary, Arthur (JMD)	N/A	11/1/2017 11:56			Re 2020 census questions (57).msg	Redacted	DPP; PII	Redacted portions containing deliberations by agency attorneys concerning the possible addition of a citizenship question, and PII that could result in unsolicited contact.
373	DOJ00014977	DOJ00014980	DOJ00014977	DOJ00014980	Gary, Arthur (JMD)	Gore, John (CRT)	N/A	11/1/2017 11:45			RE 2020 census questions (58).msg	Redacted	DPP; PII	Redacted portions containing deliberations by agency attorneys concerning the possible addition of a citizenship question, and PII that could result in unsolicited contact.

Row	Prod.:Beg. Bate	Prod.:End Bates	Prod.:Beg. Attac	Prod.:End Attac	To	FROM	CC	DATE / SENT	AUTHOR	DATE TIME CRTD	FILENAME	Redacted or	Privilege	Privilege Log Description
374	DOJ00014981	DOJ00014984	DOJ00014981	DOJ00014984	Gore, John (CR1)	Gary, Arthur (JMD)	N/A	11/1/2017 11:43			RE 2020 census questions (59).msg	Redacted	DPP; PII	Redacted portions containing deliberations by agency attorneys concerning the possible addition of a citizenship question, and PII that could result in unsolicited contact.
375	DOJ00014985	DOJ00014988	DOJ00014985	DOJ00014988	Gary, Arthur (JMD)	Gore, John (CR1)	N/A	11/1/2017 9:48			Re 2020 census questions (60).msg	Redacted	DPP; PII	Redacted portions containing deliberations by agency attorneys concerning the possible addition of a citizenship question, and PII that could result in unsolicited contact.
376	DOJ00014989	DOJ00014992	DOJ00014989	DOJ00014992	Gore, John (CR1)	Gary, Arthur (JMD)	N/A	10/31/2017 17:56			RE 2020 census questions (61).msg	Redacted	DPP; PII	Redacted portions containing deliberations by agency attorneys concerning the possible addition of a citizenship question, and PII that could result in unsolicited contact.
377	DOJ00014993	DOJ00014995	DOJ00014993	DOJ00014995	Gary, Arthur (JMD)	Gore, John (CR1)	N/A	10/31/2017 15:35			RE 2020 census questions (62).msg	Redacted	DPP; PII	Redacted portions containing deliberations by agency attorneys concerning the possible addition of a citizenship question, and PII that could result in unsolicited contact.
383	DOJ00015008	DOJ00015013	DOJ00015008	DOJ00015013	Gore, John (CRT)	Gary, Arthur (JMD)	N/A	11/1/2017 14:57			Re 2020 census questions.msg	Redacted	DPP; PII	Redacted portions containing deliberations by agency attorneys concerning the possible addition of a citizenship question, and PII that could result in unsolicited contact.
391	DOJ00015057	DOJ00015061	DOJ00015057	DOJ00015063	Gary, Arthur (JMD)	Gore, John (CR1)	N/A	12/8/2017 15:57			RE Close Hold Draft Letter (38).msg	Redacted	DPP; PII	Redacted internal agency deliberations concerning drafts of the Gary Letter, and PII that could lead to unsolicited contact.
392	DOJ00015062	DOJ00015062	DOJ00015057	DOJ00015063	N/A	N/A	N/A			12/8/2017 11:28	Request for Citizenship Information.Dec 8 REDLINE.docx	WIF	DPP	Draft of Gary letter containing proposed revisions and edits
393	DOJ00015063	DOJ00015063	DOJ00015057	DOJ00015063	N/A	N/A	N/A			12/8/2017 15:55	Request for Citizenship Information.Dec 8 CLEAN.docx	WIF	DPP	Draft version of Gary letter containing proposed revisions and edits
394	DOJ00015064	DOJ00015067	DOJ00015064	DOJ00015069	Gary, Arthur (JMD)	Gore, John (CR1)	N/A	11/30/2017 16:21			RE Close Hold Draft Letter (39).msg	Redacted	DPP; PII	Email discussion concerning revisions to draft of Gary letter. PII redacted to avoid unsolicited contact.
395	DOJ00015068	DOJ00015068	DOJ00015064	DOJ00015069	N/A	N/A	N/A			11/30/2017 16:13	Request for Citizenship Information.Nov30 REDLINE.docx	WIF	DPP	Draft of Gary letter, marked confidential, containing proposed revisions and edits
396	DOJ00015069	DOJ00015069	DOJ00015064	DOJ00015069	N/A	N/A	N/A			11/30/2017 16:16	Request for Citizenship Information.Nov30 CLEAN.docx	WIF	DPP	Undated draft of Gary letter that is marked confidential
397	DOJ00015070	DOJ00015073	DOJ00015070	DOJ00015074	Gary, Arthur (JMD)	Gore, John (CR1)	N/A	11/27/2017 13:25			RE Close Hold Draft Letter (49).msg	Redacted	DPP; PII	Email discussion about revisions to a draft of the Gary letter. PII redacted to avoid unsolicited contact.
398	DOJ00015074	DOJ00015074	DOJ00015070	DOJ00015074	N/A	N/A	N/A			11/25/2017 16:28	Request for Citizenship Information.Nov26 REDLINE.docx	WIF	DPP	Draft of Gary letter, marked confidential, containing proposed revisions and edits
399	DOJ00015075	DOJ00015077	DOJ00015075	DOJ00015078	Gary, Arthur (JMD)	Gore, John (CR1)	N/A	11/25/2017 16:32			RE Close Hold Draft Letter (50).msg	Redacted	DPP; PII	Email discussion regarding revisions and edits to a draft of the Gary letter. PII redacted to avoid unsolicited contact.
400	DOJ00015078	DOJ00015078	DOJ00015075	DOJ00015078	N/A	N/A	N/A			11/25/2017 16:28	Request for Citizenship Information.Nov26 REDLINE.docx	WIF	DPP	Draft of Gary letter, marked confidential, containing proposed revisions and edits
401	DOJ00015079	DOJ00015081	DOJ00015079	DOJ00015083	Gore, John (CR1)	Gary, Arthur (JMD)	N/A	11/22/2017 17:30			RE Close Hold Draft Letter (51).msg	Redacted	DPP; PII	Email discussion of revisions and edits to a draft of the Gary letter. PII redacted to avoid unsolicited contact.

Row	Prod.:Beg. Bate	Prod.:End Bates	Prod.:Beg. Attac	Prod.:End Attac	To	FROM	CC	DATE / SENT	AUTHOR	DATE TIME CRTD	FILENAME	Redacted or	Privilege	Privilege Log Description
402	DOJ00015082	DOJ00015082	DOJ00015079	DOJ00015083	N/A	N/A	N/A			11/22/2017 17:24	Request for Citizenship Information.Nov22 draft CLEAN.OGC.docx	WIF	DPP	Undated draft of Gary letter that is marked confidential
403	DOJ00015083	DOJ00015083	DOJ00015079	DOJ00015083	N/A	N/A	N/A			11/22/2017 17:20	Request for Citizenship Information.Nov22 draft REDLINE.OGC.docx	WIF	DPP	Draft of Gary letter, marked confidential, containing proposed revisions and edits
404	DOJ00015084	DOJ00015088	DOJ00015084	DOJ00015089	Gary, Arthur (JMD)	Gore, John (CRT)	N/A	12/8/2017 16:42			RE Close Hold Draft Letter.msg	Redacted	DPP; PII	Email discussion regarding revisions and edits to a draft of the Gary letter. PII redacted to avoid unsolicited contact.
405	DOJ00015089	DOJ00015089	DOJ00015084	DOJ00015089	N/A	N/A	N/A			12/8/2017 16:41	Request for Citizenship Information.Dec 8 REDLINE edits (002).docx	WIF	DPP	Draft of Gary letter, marked confidential, containing proposed revisions and edits
418	DOJ00015131	DOJ00015131	DOJ00015130	DOJ00015131	N/A	N/A	N/A			12/11/2017 19:00	Request for Citizenship Information.Dec 11 FINAL.docx	WIF	DPP	Draft letter being circled for comments by Arthur Gary.
419	DOJ00015134	DOJ00015134	DOJ00015133	DOJ00015134	N/A	N/A	N/A			11/29/2017 10:19	Request for Citizenship Information.Nov29 FINAL.docx	WIF	DPP	Draft letter from Arthur Gary.
421	DOJ00015137	DOJ00015137	DOJ00015136	DOJ00015137	N/A	N/A	N/A			12/12/2017 13:27	U. S. Census Bureau Dr. Jarmin (Revised Dec. 12th).pdf	WIF	DPP	Draft Gary letter.
422	DOJ00015197	DOJ00015197	DOJ00015197	DOJ00015197	N/A	N/A	N/A					WIF	ACP; AWP; DPP	Note from James Uthmeier to John Gore accompanying memorandum written by James Uthmeier. Uthmeier prepared this document for the purpose of obtaining legal advice from the Department of Justice, and in anticipation of litigation. This document was considered by DOJ to aid in their deliberations concerning whether to request the addition of a citizenship question.
423	DOJ00015198	DOJ00015198	DOJ00015198	DOJ00015198	N/A	N/A	N/A					WIF	ACP; AWP; DPP	Memorandum written by James Uthmeier for the purpose of providing legal advice to his client and to aid in Commerce's deliberations about whether or not to add a citizenship question to the census, and in anticipation of litigation. The document was also shared with John Gore for the purpose of obtaining legal advice from the Department of Justice, and considered by DOJ to aid in their deliberations concerning whether to request the addition of a citizenship question.
424	DOJ00015199	DOJ00015199	DOJ00015199	DOJ00015199	N/A	N/A	N/A					WIF	DPP	
425	DOJ00015200	DOJ00015200	DOJ00015200	DOJ00015200	N/A	N/A	N/A					WIF	DPP	Draft powerpoint presentation containing deliberative material on the critical objective for Census 2020.
513	DOJ00020885	DOJ00020885	DOJ00020885	DOJ00020886	Pickett, Bethany (CRT)	Aguiñaga, Ben (CRT)	N/A	11/3/2017 14:03			FW: Confidential & Close Hold: Draft Letter.msg	Redacted	PII	Redacted PII to avoid unsolicited contact.
514	DOJ00020886	DOJ00020886	DOJ00020885	DOJ00020886	N/A	N/A	N/A		John Gore	10/31/2017 11:17	Letter.docx	WIF	DPP	Predecisional draft of letter from Gary to Jarmin re "Request to Reinstate Citizenship Question on 2020 Census Questionnaire"
589	DOJ00028339	DOJ00028339	DOJ00028339	DOJ00028340	Herren, Chris (CRT)	Gore, John (CRT)	Aguiñaga, Ben (CRT)	11/1/2017 18:31			Confidential & Close Hold: Draft Letter.msg	Redacted	PII	Redacted PII to avoid unsolicited contact
590	DOJ00028340	DOJ00028340	DOJ00028339	DOJ00028340	N/A	N/A	N/A		John Gore	10/31/2017 11:17	Letter.docx	WIF	ACP; AWP; DPP	Draft copy of the Gary letter attached to internal DOJ CRT attorney email.
597	DOJ00028374	DOJ00028374	DOJ00028359	DOJ00028387	N/A	N/A	N/A			2/12/2018 14:09	Email 1 - 11.01.2017.pdf	Redacted	PII	PII redacted to avoid unsolicited contact



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598	DOJ00028375	DOJ00028375	DOJ00028359	DOJ00028387	N/A	N/A	N/A		John Gore	10/31/2017 11:17	Email 1 - 11.01.2017.pdf Letter.docx	WIF	DPP	draft of letter from DOJ to DOC
599	DOJ00028377	DOJ00028377	DOJ00028359	DOJ00028387	N/A	N/A	N/A			2/12/2018 14:05	Email 2 - 11.01.2017.pdf	Redacted	PII	PII removed to avoid unsolicited contact.
600	DOJ00028379	DOJ00028379	DOJ00028359	DOJ00028387	N/A	N/A	N/A			2/12/2018 14:06	Email 3 - 11.03.2017.pdf	Redacted	PII	PII redacted to avoid unsolicited contact.
601	DOJ00028380	DOJ00028380	DOJ00028359	DOJ00028387	N/A	N/A	N/A			11/3/2017 14:04	Email 3 - 11.03.2017.pdf Letter (rev).docx	WIF	DPP	draft letter from DOJ to DOC, with redlines and comments
602	DOJ00028382	DOJ00028383	DOJ00028359	DOJ00028387	N/A	N/A	N/A			2/12/2018 14:10	Email 4 - 11.03.2017.pdf	Redacted	PII	PII redacted to avoid unsolicited contact.
603	DOJ00028385	DOJ00028386	DOJ00028359	DOJ00028387	N/A	N/A	N/A			2/12/2018 14:11	Email 5 - 11.03.2017.pdf	Redacted	PII	PII redacted to avoid unsolicited contact.
613	DOJ00029550	DOJ00029550	DOJ00029550	DOJ00029551	Gore, John (CRT)	Herren, Chris (CRT)	Aguiñaga, Ben (CRT)	11/3/2017 14:09			RE: Confidential & Close Hold: Draft Letter.msg	Redacted	PII	Redacted PII to avoid unsolicited contact.
614	DOJ00029551	DOJ00029551	DOJ00029550	DOJ00029551	N/A	N/A	N/A			11/3/2017 14:04	Letter (rev).docx	WIF	DPP	Draft of letter from Arthur Gary to Acting Director of Census Bureau, including attorney edits and comments.
615	DOJ00029552	DOJ00029555	DOJ00029552	DOJ00029555	Gary, Arthur (JMD)	Gore, John (CRT)	N/A	11/1/2017 9:48			Re: 2020 census questions.msg	Redacted	DPP; PII	Redacted portions containing deliberations by agency attorneys concerning the possible addition of a citizenship question, and PII that could result in unsolicited contact.
616	DOJ00029556	DOJ00029557	DOJ00029556	DOJ00029557	Tucker, Rachael (OAG)	Gore, John (CRT)	Troester, Robert J. (ODAG)	11/30/2017 10:08			Re: Census Letter.msg	Redacted	DPP; PII	Redacted portions contain attorney discussion regarding a draft of the Gary letter that would reveal internal DOJ advice and opinions about the content of the letter and pre-date the final letter. PII also redacted to avoid unsolicited contact.
617	DOJ00029558	DOJ00029558	DOJ00029558	DOJ00029558	Tucker, Rachael (OAG)	Gore, John (CRT)	Troester, Robert J. (ODAG)	11/30/2017 7:31			Re: Census Letter.msg	Redacted	DPP; PII	Redacted portions contain attorney discussion regarding a draft of the Gary letter that would reveal internal DOJ advice and opinions about the content of the letter and pre-date the final letter. PII also redacted to avoid unsolicited contact.
620	DOJ00029561	DOJ00029563	DOJ00029561	DOJ00029563	Tucker, Rachael (OAG)	Gore, John (CRT)	Troester, Robert J. (ODAG)	12/4/2017 12:34			Re: Census Letter.msg	Redacted	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
621	DOJ00029564	DOJ00029566	DOJ00029564	DOJ00029566	Troester, Robert J. (ODAG); Tucker, Rachael (OAG)	Gore, John (CRT)	N/A	12/4/2017 11:29			Re: Census Letter.msg	Redacted	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
651	DOJ00029779	DOJ00029780	DOJ00029779	DOJ00029780	Gore, John (CRT)	Tucker, Rachael (OAG)	Troester, Robert J. (ODAG)	11/30/2017 10:17			RE: Census Letter.msg	Redacted	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
652	DOJ00029781	DOJ00029782	DOJ00029781	DOJ00029782	Troester, Robert J. (ODAG); Gore, John (CRT)	Tucker, Rachael (OAG)	N/A	11/30/2017 9:38			RE: Census Letter.msg	Redacted	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
653	DOJ00029783	DOJ00029783	DOJ00029783	DOJ00029783	Gore, John (CRT); Troester, Robert J. (ODAG)	Tucker, Rachael (OAG)	N/A	11/27/2017 15:55			RE: Census Letter.msg	Redacted	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
654	DOJ00029784	DOJ00029786	DOJ00029784	DOJ00029786	Gore, John (CRT); Troester, Robert J. (ODAG)	Tucker, Rachael (OAG)	N/A	12/4/2017 11:50			RE: Census Letter.msg	Redacted	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.

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655	DOJ00029787	DOJ00029788	DOJ00029787	DOJ00029788	Tucker, Rachael (OAG); Gore, John (CRT)	Troester, Robert J. (ODAG)	N/A	11/30/2017 10:18			RE: Census Letter.msg	Redacted	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
737	DOJ00030703	DOJ00030707	DOJ00030703	DOJ00030707	Gore, John (CRT)	Gary, Arthur (JMD)	N/A	11/1/2017 11:56			Re: 2020 census questions.msg	Redacted	DPP; PII	Redacted portions containing deliberations by agency attorneys concerning the possible addition of a citizenship question, and PII that could result in unsolicited contact.
738	DOJ00030708	DOJ00030711	DOJ00030708	DOJ00030711	Gore, John (CRT)	Gary, Arthur (JMD)	N/A	11/1/2017 11:43			RE: 2020 census questions.msg	Redacted	DPP; PII	Redacted portions containing deliberations by agency attorneys concerning the possible addition of a citizenship question, and PII that could result in unsolicited contact.
739	DOJ00030712	DOJ00030715	DOJ00030712	DOJ00030715	Gore, John (CRT)	Gary, Arthur (JMD)	N/A	10/31/2017 17:56			RE: 2020 census questions.msg	Redacted	DPP; PII	Redacted portions containing deliberations by agency attorneys concerning the possible addition of a citizenship question, and PII that could result in unsolicited contact.
748	DOJ00030733	DOJ00030738	DOJ00030733	DOJ00030738	Gore, John (CRT)	Gary, Arthur (JMD)	N/A	11/1/2017 14:57			Re: 2020 census questions.msg	Redacted	DPP; PII	Redacted portions containing deliberations by agency attorneys concerning the possible addition of a citizenship question, and PII that could result in unsolicited contact.
749	DOJ00030739	DOJ00030744	DOJ00030739	DOJ00030744	Gore, John (CRT)	Gary, Arthur (JMD)	N/A	11/1/2017 13:44			Re: 2020 census questions.msg	Redacted	DPP; PII	Redacted portions containing deliberations by agency attorneys concerning the possible addition of a citizenship question, and PII that could result in unsolicited contact.
750	DOJ00030745	DOJ00030749	DOJ00030745	DOJ00030749	Gore, John (CRT)	Gary, Arthur (JMD)	N/A	11/1/2017 13:43			Re: 2020 census questions.msg	Redacted	DPP; PII	Redacted portions containing deliberations by agency attorneys concerning the possible addition of a citizenship question, and PII that could result in unsolicited contact.
807	DOJ00032176	DOJ00032179	DOJ00032176	DOJ00032179	Gary, Arthur (JMD)	Gore, John (CRT)	N/A	11/1/2017 11:45			RE: 2020 census questions.msg	Redacted	DPP; PII	Redacted portions containing deliberations by agency attorneys concerning the possible addition of a citizenship question, and PII that could result in unsolicited contact.
808	DOJ00032180	DOJ00032183	DOJ00032180	DOJ00032183	Gary, Arthur (JMD)	Gore, John (CRT)	N/A	11/1/2017 9:48			Re: 2020 census questions.msg	Redacted	DPP; PII	Redacted portions containing deliberations by agency attorneys concerning the possible addition of a citizenship question, and PII that could result in unsolicited contact.
809	DOJ00032184	DOJ00032186	DOJ00032184	DOJ00032186	Gary, Arthur (JMD)	Gore, John (CRT)	N/A	10/31/2017 15:35			RE: 2020 census questions.msg	Redacted	DPP; PII	Redacted portions containing deliberations by agency attorneys concerning the possible addition of a citizenship question, and PII that could result in unsolicited contact.
810	DOJ00032187	DOJ00032187	DOJ00032187	DOJ00032187	Tucker, Rachael (OAG)	Gore, John (CRT)	Troester, Robert J. (ODAG)	11/30/2017 7:31			Re: Census Letter.msg	Redacted	AWP; DPP; PII	PII redacted to avoid unsolicited contact.
892	DOJ00034044	DOJ00034046	DOJ00034044	DOJ00034046	Tucker, Rachael (OAG)	Gore, John (CRT)	Troester, Robert J. (ODAG)	12/4/17 12:34 PM			Re: Census Letter.msg	Redacted	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
893	DOJ00034047	DOJ00034049	DOJ00034047	DOJ00034049	Troester, Robert J. (ODAG) ; Tucker, Rachael (OAG)	Gore, John (CRT)	N/A	12/4/17 11:29 AM			Re: Census Letter.msg	Redacted	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.

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949	DOJ00034403	DOJ00034407	DOJ00034403	DOJ00034407	Gary, Arthur (JMD)	Gore, John (CRT)	N/A	11/1/17 1:41 PM			RE: 2020 census questions.msg	Redacted	DPP; PII	Redacted portions containing deliberations by agency attorneys concerning the possible addition of a citizenship question, and PII that could result in unsolicited contact.
950	DOJ00034408	DOJ00034412	DOJ00034408	DOJ00034412	Gary, Arthur (JMD)	Gore, John (CRT)	N/A	11/1/17 1:27 PM			RE: 2020 census questions.msg	Redacted	DPP; PII	Redacted portions containing deliberations by agency attorneys concerning the possible addition of a citizenship question, and PII that could result in unsolicited contact.
957	DOJ00034421	DOJ00034425	DOJ00034421	DOJ00034425	Gary, Arthur (JMD)	Gore, John (CRT)	N/A	11/1/17 12:02 PM			RE: 2020 census questions.msg	Redacted	DPP; PII	Redacted portions containing deliberations by agency attorneys concerning the possible addition of a citizenship question, and PII that could result in unsolicited contact.
1039	DOJ00034584	DOJ00034586	DOJ00034584	DOJ00034586	Gary, Arthur (JMD)	Gore, John (CRT)	N/A	10/31/17 3:35 PM			201710319478683 201710311935320000 Z D02044E31982761A8729623C7E11E761.EML	Redacted	DPP; PII	Email chain between two DOJ attorneys, discussing questions and concerns in regard to adding a citizenship question to the 2020 Census. Redacted portions would reveal DOJ's deliberative process concerning the ultimate decision as to whether to request the addition of a citizenship question to the census. Private contact information also redacted to avoid unsolicited contact.
1040	DOJ00034587	DOJ00034590	DOJ00034587	DOJ00034590	Gore, John (CRT)	Gary, Arthur (JMD)	N/A	10/31/17 5:56 PM			201710319487261 201710312156550000 Z E0F4343E0028A186B9CA5016FC77E121.EML	Redacted	DPP; PII	Email chain between two DOJ attorneys, discussing questions and concerns in regard to adding a citizenship question to the 2020 Census. Redacted portions would reveal DOJ's deliberative process concerning the ultimate decision as to whether to request the addition of a citizenship question to the census. Private contact information also redacted to avoid unsolicited contact.
1041	DOJ00034591	DOJ00034594	DOJ00034591	DOJ00034594	Gary, Arthur (JMD)	Gore, John (CRT)	N/A	11/1/17 9:48 AM			201711019544205 201711011348200000 Z 90506F9C550055A05A5648371268E9E1.EML	Redacted	DPP; PII	Email chain between two DOJ attorneys, discussing questions and concerns in regard to adding a citizenship question to the 2020 Census. Redacted portions would reveal DOJ's deliberative process concerning the ultimate decision as to whether to request the addition of a citizenship question to the census. Private contact information also redacted to avoid unsolicited contact.
1042	DOJ00034595	DOJ00034598	DOJ00034595	DOJ00034598	Gore, John (CRT)	Gary, Arthur (JMD)	N/A	11/1/17 11:43 AM			201711019551161 201711011543140000 Z A0B834F14D152BE1F1BB06A444E35051.EML	Redacted	DPP; PII	Email chain between two DOJ attorneys, discussing questions and concerns in regard to adding a citizenship question to the 2020 Census. Redacted portions would reveal DOJ's deliberative process concerning the ultimate decision as to whether to request the addition of a citizenship question to the census. Private contact information also redacted to avoid unsolicited contact.

Row	Prod.:Beg. Bate	Prod.:End Bates	Prod.:Beg. Attac	Prod.:End Attac	To	FROM	CC	DATE / SENT	AUTHOR	DATE TIME CRTD	FILENAME	Redacted or	Privilege	Privilege Log Description
1043	DOJ00034599	DOJ00034602	DOJ00034599	DOJ00034602	Gary, Arthur (JMD)	Gore, John (CRT)	N/A	11/1/17 11:45 AM			201711019551221 201711011545250000 Z A0BC30F8DD258CC1E4 A275E73867B5D1.EML	Redacted	DPP; PII	Email chain between two DOJ attorneys, discussing questions and concerns in regard to adding a citizenship question to the 2020 Census. Redacted portions would reveal DOJ's deliberative process concerning the ultimate decision as to whether to request the addition of a citizenship question to the census. Private contact information also redacted to avoid unsolicited contact.
1044	DOJ00034603	DOJ00034607	DOJ00034603	DOJ00034607	Gore, John (CRT)	Gary, Arthur (JMD)	N/A	11/1/17 11:56 AM			201711019551882 201711011556140000 Z A0E84B1ED371BFE102 E5028074343CE1.EML	Redacted	AWP; DPP	Email chain between two DOJ attorneys, discussing questions and concerns in regard to adding a citizenship question to the 2020 Census. Redacted portions would reveal DOJ's deliberative process concerning the ultimate decision as to whether to request the addition of a citizenship question to the census. Private contact information also redacted to avoid unsolicited contact.
1045	DOJ00034608	DOJ00034612	DOJ00034608	DOJ00034612	Gary, Arthur (JMD)	Gore, John (CRT)	N/A	11/1/17 1:27 PM			201711019557342 201711011727090000 Z B0EC48C329843D9401 EB62EBFFB82BA1.EML	Redacted	DPP; PII	Email chain between two DOJ attorneys, discussing questions and concerns in regard to adding a citizenship question to the 2020 Census. Redacted portions would reveal DOJ's deliberative process concerning the ultimate decision as to whether to request the addition of a citizenship question to the census. Private contact information also redacted to avoid unsolicited contact.
1046	DOJ00034613	DOJ00034617	DOJ00034613	DOJ00034617	Gary, Arthur (JMD)	Gore, John (CRT)	N/A	11/1/17 1:41 PM			201711019558243 201711011741550000 Z B1286B641DDEE38626 FA7DB9BB183181.EML	Redacted	DPP; PII	Email chain between two DOJ attorneys, discussing questions and concerns in regard to adding a citizenship question to the 2020 Census. Redacted portions would reveal DOJ's deliberative process concerning the ultimate decision as to whether to request the addition of a citizenship question to the census. Private contact information also redacted to avoid unsolicited contact.
1047	DOJ00034618	DOJ00034622	DOJ00034618	DOJ00034622	Gore, John (CRT)	Gary, Arthur (JMD)	N/A	11/1/17 1:43 PM			201711019558361 201711011743390000 Z B13044DE82A927CF86 2200A0B1175361.EML	Redacted	DPP; PII	Email chain between two DOJ attorneys, discussing questions and concerns in regard to adding a citizenship question to the 2020 Census. Redacted portions would reveal DOJ's deliberative process concerning the ultimate decision as to whether to request the addition of a citizenship question to the census. Private contact information also redacted to avoid unsolicited contact.
1048	DOJ00034623	DOJ00034628	DOJ00034623	DOJ00034628	Gore, John (CR1)	Gary, Arthur (JMD)	N/A	11/1/17 1:44 PM			201711019558481 201711011744540000 Z B1384C6236D3C80FEE ACEA614D85A591.EML	Redacted	DPP; PII	Email chain between two DOJ attorneys, discussing questions and concerns in regard to adding a citizenship question to the 2020 Census. Redacted portions would reveal DOJ's deliberative process concerning the ultimate decision as to whether to request the addition of a citizenship question to the census. Private contact information also redacted to avoid unsolicited contact.

Row	Prod.:Beg. Bate	Prod.:End Bates	Prod.:Beg. Attac	Prod.:End Attac	To	FROM	CC	DATE / SENT	AUTHOR	DATE TIME CRTD	FILENAME	Redacted or	Privilege	Privilege Log Description
1049	DOJ00034629	DOJ00034633	DOJ00034629	DOJ00034633	Gary, Arthur (JMD)	Gore, John (CR1)	N/A	11/1/17 12:02 PM			201711019562146 201711011602130000 ZCOC4865264DF786FA47BC0A2FE2A5E91.EML	Redacted	DPP; PII	Email chain between two DOJ attorneys, discussing questions and concerns in regard to adding a citizenship question to the 2020 Census. Redacted portions would reveal DOJ's deliberative process concerning the ultimate decision as to whether to request the addition of a citizenship question to the census. Private contact information also redacted to avoid unsolicited contact.
1050	DOJ00034634	DOJ00034639	DOJ00034634	DOJ00034639	Gore, John (CR1)	Gary, Arthur (JMD)	N/A	11/1/17 2:57 PM			201711019562808 201711011857580000 ZCOF0BF7E8DE407C1406FBBC3CBECAB31.EML	Redacted	DPP; PII	Email chain between two DOJ attorneys, discussing questions and concerns in regard to adding a citizenship question to the 2020 Census. Redacted portions would reveal DOJ's deliberative process concerning the ultimate decision as to whether to request the addition of a citizenship question to the census. Private contact information also redacted to avoid unsolicited contact.
1051	DOJ00034640	DOJ00034640	DOJ00034640	DOJ00034641	Gary, Arthur (JMD)	Gore, John (CR1)	N/A	11/3/17 5:10 PM			201711039743583 201711032110520000 ZE034384C3FBF5D7CB41BA005A7C40E11.EML	Redacted	PII	PII redacted to avoid unsolicited contact.
1052	DOJ00034641	DOJ00034641	DOJ00034640	DOJ00034641	N/A	N/A	N/A			11/3/17 3:34 PM	Letter (rev).docx	WIF	DPP	Draft of the Gary Letter, which pre-dates the final Gary Letter and would reveal internal DOJ thoughts and decisionmaking.
1053	DOJ00034642	DOJ00034642	DOJ00034642	DOJ00034643	Posner, Morton J (JMD)	Gary, Arthur (JMD)	N/A	11/3/17 5:17 PM			201711039744003 201711032117450000 ZE050411D36D47B75BEFC3B678BD41611.EML	Redacted	PII	Removed attorney's phone number and email address.
1054	DOJ00034643	DOJ00034643	DOJ00034642	DOJ00034643	N/A	N/A	N/A			11/3/17 3:34 PM	Letter (rev).docx	WIF	DPP	Draft of the Gary Letter, which pre-dates the final Gary Letter and would reveal internal DOJ thoughts and decisionmaking.
1055	DOJ00034644	DOJ00034646	DOJ00034644	DOJ00034648	Gore, John (CR1)	Gary, Arthur (JMD)	N/A	11/22/17 5:30 PM			201711221390044 201711222230510000 ZF01041BD5E047D9550DE80C07CA32F31.EML	Redacted	DPP; PII	Email chain between DOJ attorneys discussing the draft Gary Letter, including discussions of their proposed edits and the internal DOJ process. PII also redacted to avoid unsolicited contact.
1056	DOJ00034647	DOJ00034647	DOJ00034644	DOJ00034648	N/A	N/A	N/A			11/22/17 5:24 PM	Request for Citizenship Information.Nov22 draft CLEAN.OGC.docx	WIF	DPP	Draft of the Gary Letter, which pre-dates the final Gary Letter and would reveal internal DOJ thoughts and decisionmaking.
1057	DOJ00034648	DOJ00034648	DOJ00034644	DOJ00034648	N/A	N/A	N/A			11/22/17 5:20 PM	Request for Citizenship Information.Nov22 draft REDLINE.OGC.docx	WIF	DPP	Draft of the Gary Letter, which pre-dates the final Gary Letter and would reveal internal DOJ thoughts and decisionmaking, and shows edits by a DOJ attorney.
1058	DOJ00034649	DOJ00034651	DOJ00034649	DOJ00034652	Gary, Arthur (JMD)	Gore, John (CR1)	N/A	11/25/17 4:32 PM			201711251645764 201711252132490000 ZE0906C0F1DAA4D8A5D9C294DC9317FE1.EM L	Redacted	DPP; PII	Email chain between DOJ attorneys discussing the draft Gary Letter, including discussions of their proposed edits and the internal DOJ process. PII also redacted to avoid unsolicited contact.
1059	DOJ00034652	DOJ00034652	DOJ00034649	DOJ00034652	N/A	N/A	N/A			11/25/17 4:28 PM	Request for Citizenship Information.Nov26 REDLINE.docx	WIF	DPP	Draft of the Gary Letter, which pre-dates the final Gary Letter and would reveal internal DOJ thoughts and decisionmaking.

Row	Prod.:Beg. Bate	Prod.:End Bates	Prod.:Beg. Attac	Prod.:End Attac	To	FROM	CC	DATE / SENT	AUTHOR	DATE TIME CRTD	FILENAME	Redacted or	Privilege	Privilege Log Description
1060	DOJ00034653	DOJ00034656	DOJ00034653	DOJ00034657	Gary, Arthur (JMD)	Gore, John (CR1)	N/A	11/27/17 1:25 PM			201711271807223 201711271825040000 Z C06C403B4F5D58FF5E BBE85C1B09FF61.EML	Redacted	DPP; PII	Email chain between DOJ attorneys discussing the draft Gary Letter, including discussions of their proposed edits and the internal DOJ process. PII also redacted to avoid unsolicited contact.
1061	DOJ00034657	DOJ00034657	DOJ00034653	DOJ00034657	N/A	N/A	N/A			11/25/17 4:28 PM	Request for Citizenship Information.Nov26 REDLINE.docx	WIF	DPP	Draft of the Gary Letter, which pre-dates the final Gary Letter, shows edits by an attorney, and would reveal internal DOJ thoughts and decisionmaking.
1062	DOJ00034659	DOJ00034659	DOJ00034658	DOJ00034659	N/A	N/A	N/A			11/29/17 10:19 AM	Request for Citizenship Information.Nov29 FINAL.docx	WIF	DPP	Draft of the Gary Letter, which pre-dates the final Gary Letter, shows edits by an attorney, and would reveal internal DOJ thoughts and decisionmaking.
1063	DOJ00034661	DOJ00034661	DOJ00034660	DOJ00034661	N/A	N/A	N/A			11/29/17 10:19 AM	Request for Citizenship Information.Nov29 FINAL.docx	WIF	DPP	Draft of the Gary Letter, which pre-dates the final Gary Letter, shows edits by an attorney, and would reveal internal DOJ thoughts and decisionmaking.
1064	DOJ00034662	DOJ00034665	DOJ00034662	DOJ00034667	Gary, Arthur (JMD)	Gore, John (CR1)	N/A	11/30/17 4:21 PM			201711302077102 201711302121140000 Z E06436F2718CB389F1 3DFEC931741971.EML	Redacted	DPP; PII	Email chain between DOJ attorneys discussing the draft Gary Letter, including discussions of their proposed edits and the internal DOJ process. PII also redacted to avoid unsolicited contact.
1065	DOJ00034666	DOJ00034666	DOJ00034662	DOJ00034667	N/A	N/A	N/A			11/30/17 4:13 PM	Request for Citizenship Information.Nov30 REDLINE.docx	WIF	DPP	Draft of the Gary Letter, which pre-dates the final Gary Letter, shows edits by an attorney, and would reveal internal DOJ thoughts and decisionmaking.
1066	DOJ00034667	DOJ00034667	DOJ00034662	DOJ00034667	N/A	N/A	N/A			11/30/17 4:16 PM	Request for Citizenship Information.Nov30 CLEAN.docx	WIF	DPP	Draft of the Gary Letter, which pre-dates the final Gary Letter and would reveal internal DOJ thoughts and decisionmaking.
1067	DOJ00034669	DOJ00034669	DOJ00034668	DOJ00034669	N/A	N/A	N/A			11/29/17 4:52 PM	Dr.Jarmin Census Bureau Letter.pdf	WIF	DPP	Draft of the Gary Letter marked December 1 that pre-dates the final letter and would reveal internal agency deliberations and edits.
1068	DOJ00034670	DOJ00034674	DOJ00034670	DOJ00034676	Gary, Arthur (JMD)	Gore, John (CR1)	N/A	12/8/17 3:57 PM			201712113000806 201712082057130000 Z 90787C385509AF5A46 2BC47FE7D80491.EML	Redacted	DPP; PII	Email chain between DOJ attorneys discussing the draft Gary Letter, including discussions of their proposed edits and the internal DOJ process. PII also redacted to avoid unsolicited contact.
1069	DOJ00034675	DOJ00034675	DOJ00034670	DOJ00034676	N/A	N/A	N/A			12/8/17 11:28 AM	Request for Citizenship Information.Dec 8 REDLINE.docx	WIF	DPP	Draft of the Gary Letter, which pre-dates the final Gary Letter, shows edits and comments by an attorney, and would reveal internal DOJ thoughts and decisionmaking.
1070	DOJ00034676	DOJ00034676	DOJ00034670	DOJ00034676	N/A	N/A	N/A			12/8/17 3:55 PM	Request for Citizenship Information.Dec 8 CLEAN.docx	WIF	DPP	Draft of the Gary Letter, which pre-dates the final Gary Letter, shows edits and comments by an attorney, and would reveal internal DOJ thoughts and decisionmaking.
1071	DOJ00034677	DOJ00034681	DOJ00034677	DOJ00034682	Gary, Arthur (JMD)	Gore, John (CR1)	N/A	12/8/17 4:42 PM			201712113000892 20171208214240000 Z 907E49B05195AD82E0 E214F4FB3FD11.EML	Redacted	DPP; PII	Email chain between DOJ attorneys discussing the draft Gary Letter, including discussions of their proposed edits and the internal DOJ process. PII also redacted to avoid unsolicited contact.
1072	DOJ00034682	DOJ00034682	DOJ00034677	DOJ00034682	N/A	N/A	N/A			12/8/17 4:41 PM	Request for Citizenship Information.Dec 8 REDLINE edits (002).docx	WIF	DPP	Draft of the Gary Letter, which pre-dates the final Gary Letter, shows attorney edits, and would reveal internal DOJ thoughts and decisionmaking.

Row	Prod.:Beg. Bate	Prod.:End Bates	Prod.:Beg. Attac	Prod.:End Attac	To	FROM	CC	DATE / SENT	AUTHOR	DATE TIME CRTD	FILENAME	Redacted or	Privilege	Privilege Log Description
1073	DOJ00034684	DOJ00034684	DOJ00034683	DOJ00034684	N/A	N/A	N/A			12/11/17 7:00 PM	Request for Citizenship Information.Dec 11 FINAL.docx	WIF	DPP	Draft of the Gary Letter, which pre-dates the final Gary Letter, shows attorney edits, and would reveal internal DOJ thoughts and decisionmaking.
1289	DOJ00035857	DOJ00035857	DOJ00035856	DOJ00035857	N/A	N/A	N/A			12/11/17 7:00 PM	Request for Citizenship Information.Dec 11 FINAL.docx	WIF	DPP	Draft of the Gary Letter, which pre-dates the final Gary Letter and would reveal internal DOJ thoughts and decisionmaking.
1290	DOJ00035859	DOJ00035859	DOJ00035858	DOJ00035859	N/A	N/A	N/A			11/29/17 10:19 AM	Request for Citizenship Information.Nov29 FINAL.docx	WIF	DPP	Draft of the Gary Letter, which pre-dates the final Gary Letter and would reveal internal DOJ thoughts and decisionmaking.
1291	DOJ00035861	DOJ00035861	DOJ00035860	DOJ00035861	N/A	N/A	N/A			11/29/17 10:19 AM	Request for Citizenship Information.Nov29 FINAL.docx	WIF	DPP	Draft of the Gary Letter, which pre-dates the final Gary Letter and would reveal internal DOJ thoughts and decisionmaking.
1292	DOJ00035862	DOJ00035864	DOJ00035862	DOJ00035866	Gore, John (CR1)	Gary, Arthur (JMD)	N/A	11/22/17 5:30 PM			RE: Close Hold: Draft Letter.msg	Redacted	DPP; PII	Email chain between DOJ attorneys discussing the draft Gary Letter, including discussions of their proposed edits and the internal DOJ process. PII also redacted to avoid unsolicited contact.
1293	DOJ00035865	DOJ00035865	DOJ00035862	DOJ00035866	N/A	N/A	N/A			11/22/17 5:24 PM	Request for Citizenship Information.Nov22 draft CLEAN.OGC.docx	WIF	DPP	Draft of the Gary Letter, which pre-dates the final Gary Letter and would reveal internal DOJ thoughts and decisionmaking.
1294	DOJ00035866	DOJ00035866	DOJ00035862	DOJ00035866	N/A	N/A	N/A			11/22/17 5:20 PM	Request for Citizenship Information.Nov22 draft REDLINE.OGC.docx	WIF	DPP	Draft of the Gary Letter, which pre-dates the final Gary Letter, shows edits by an attorney, and would reveal internal DOJ thoughts and decisionmaking.
1295	DOJ00035867	DOJ00035867	DOJ00035867	DOJ00035868	Posner, Morton J (JMD)	Gary, Arthur (JMD)	N/A	11/3/17 5:17 PM			FW: Close Hold: Draft Letter.msg	Redacted	PII	PII redacted to avoid unsolicited contact.
1296	DOJ00035868	DOJ00035868	DOJ00035867	DOJ00035868	N/A	N/A	N/A			11/3/17 3:34 PM	Letter (rev).docx	WIF	DPP	Draft of the Gary Letter, which pre-dates the final Gary Letter and would reveal internal DOJ thoughts and decisionmaking.
1297	DOJ00035869	DOJ00035873	DOJ00035869	DOJ00035873	Gore, John (CR1)	Gary, Arthur (JMD)	N/A	11/1/17 11:43 AM			RE: 2020 census questions.msg	Redacted	DPP; PII	Email chain between two DOJ attorneys, discussing questions and concerns in regard to adding a citizenship question to the 2020 Census. Redacted portions would reveal DOJ's deliberative process concerning the ultimate decision as to whether to request the addition of a citizenship question to the census. Private contact information also redacted to avoid unsolicited contact.
1298	DOJ00035874	DOJ00035878	DOJ00035874	DOJ00035878	Gore, John (CR1)	Gary, Arthur (JMD)	N/A	10/31/17 5:56 PM			RE: 2020 census questions.msg	Redacted	DPP; PII	Email chain between two DOJ attorneys, discussing questions and concerns in regard to adding a citizenship question to the 2020 Census. Redacted portions would reveal DOJ's deliberative process concerning the ultimate decision as to whether to request the addition of a citizenship question to the census. Private contact information also redacted to avoid unsolicited contact.

Row	Prod.:Beg. Bate	Prod.:End Bates	Prod.:Beg. Attac	Prod.:End Attac	To	FROM	CC	DATE / SENT	AUTHOR	DATE TIME CRTD	FILENAME	Redacted or	Privilege	Privilege Log Description
1412	DOJ00036762	DOJ00036762	DOJ00036762	DOJ00036764	Tucker, Rachael (OAG); Troester, Robert J. (ODAG)	Gore, John (CRT)	N/A	11/27/17 12:42 PM			201711302078995~201711271742490000~Z~E0E285D7C9163BFD0A4FA7146796AA21.EML	Redacted	PII	PII redacted to avoid unsolicited contact.
1413	DOJ00036763	DOJ00036763	DOJ00036762	DOJ00036764	Tucker, Rachael (OAG); Troester, Robert J. (ODAG)	Gore, John (CRT)	N/A	11/27/17 12:42 PM			Census Letter.eml	Redacted	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
1414	DOJ00036764	DOJ00036764	DOJ00036762	DOJ00036764	N/A	N/A	N/A			11/25/17 4:28 PM	Request for Citizenship Information.Nov26 REDLINE.docx	WIF	DPP	Draft of the Gary Letter that pre-dates the final Gary Letter and shows edits by a DOJ attorney.
1415	DOJ00036765	DOJ00036765	DOJ00036765	DOJ00036766	Tucker, Rachael (OAG)	Gore, John (CRT)	Troester, Robert J. (ODAG)	11/30/17 7:31 AM			201711302079057~201711301231170000~Z~E0E69CFD84AC62436D6E47294185D8B1.EML	Redacted	PII	PII redacted to avoid unsolicited contact.
1417	DOJ00036767	DOJ00036767	DOJ00036767	DOJ00036768	Gore, John (CRT); Troester, Robert J. (ODAG)	Tucker, Rachael (OAG)	N/A	11/27/17 3:55 PM			201711302080457~201711272055380000~Z~E1440E411662B55347993973EF03F4B1.EML	Redacted	PII	PII redacted to avoid unsolicited contact.
1418	DOJ00036768	DOJ00036768	DOJ00036767	DOJ00036768	Gore, John (CRT); Troester, Robert J. (ODAG)	Tucker, Rachael (OAG)	N/A	11/27/17 3:55 PM			RE Census Letter.eml	Redacted	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
1419	DOJ00036769	DOJ00036769	DOJ00036769	DOJ00036771	Gore, John (CRT); Troester, Robert J. (ODAG)	Tucker, Rachael (OAG)	N/A	11/29/17 8:47 PM			201711302080493~201711300147500000~Z~E146604DDF65A2B9BD907C2DD7AA621.EM L	Redacted	PII	PII redacted to avoid unsolicited contact.
1420	DOJ00036770	DOJ00036770	DOJ00036769	DOJ00036771	Gore, John (CRT); Troester, Robert J. (ODAG)	Tucker, Rachael (OAG)	N/A	11/29/17 8:47 PM			RE Census Letter.eml	Redacted	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
1421	DOJ00036771	DOJ00036771	DOJ00036769	DOJ00036771	N/A	N/A	N/A			11/29/17 8:46 PM	Request for Citizenship Information.Nov26 REDLINE RCT edits.docx	WIF	DPP	Draft of the Gary Letter that pre-dates the final Gary Letter and shows edits by a DOJ attorney.
1422	DOJ00036772	DOJ00036772	DOJ00036772	DOJ00036774	Troester, Robert J. (ODAG) ; Gore, John (CRT)	Tucker, Rachael (OAG)	N/A	11/30/17 9:38 AM			201711302080496~201711301438010000~Z~E1469904F855D3E18E69088DB12FF911.EML	Redacted	PII	PII redacted to avoid unsolicited contact
1423	DOJ00036773	DOJ00036774	DOJ00036772	DOJ00036774	Troester, Robert J. (ODAG) ; Gore, John (CRT)	Tucker, Rachael (OAG)	N/A	11/30/17 9:38 AM			RE Census Letter.eml	Redacted	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
1424	DOJ00036775	DOJ00036775	DOJ00036775	DOJ00036777	Gore, John (CRT)	Tucker, Rachael (OAG)	Troester, Robert J. (ODAG)	11/30/17 10:17 AM			201711302080498~201711301517060000~Z~E146B49F43636364A8OD532FEF1C1881.EML	Redacted	PII	PII redacted to avoid unsolicited contact.



Row	Prod.:Beg. Bate	Prod.:End Bates	Prod.:Beg. Attac	Prod.:End Attac	To	FROM	CC	DATE / SENT	AUTHOR	DATE TIME CRTD	FILENAME	Redacted or	Privilege	Privilege Log Description
1425	DOJ00036776	DOJ00036777	DOJ00036775	DOJ00036777	Gore, John (CRT)	Tucker, Rachael (OAG)	Troester, Robert J. (ODAG)	11/30/17 10:17 AM			RE Census Letter.eml	Redacted	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
1426	DOJ00036778	DOJ00036778	DOJ00036778	DOJ00036781	Gore, John (CRT); Tucker, Rachael (OAG)	Troester, Robert J. (ODAG)	N/A	11/30/17 9:21 AM			201712012093187~201711301421440000~z~105c869bcb89af579d273914fea4bfa1.eml.msg	Redacted	PII	PII redacted to avoid unsolicited contact.
1427	DOJ00036779	DOJ00036780	DOJ00036778	DOJ00036781	Gore, John (CRT); Tucker, Rachael (OAG)	Troester, Robert J. (ODAG)	N/A	11/30/17 9:21 AM			RE Census Letter.eml	Redacted	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
1428	DOJ00036781	DOJ00036781	DOJ00036778	DOJ00036781	N/A	N/A	N/A			11/30/17 9:20 AM	Request for Citizenship Information.Nov26 REDLINE RCT edits (RJT edits).docx	WIF	DPP	Draft of the Gary Letter that pre-dates the final Gary Letter and displays the edits of a DOJ attorney.
1429	DOJ00036782	DOJ00036782	DOJ00036782	DOJ00036784	Tucker, Rachael (OAG)	Gore, John (CRT)	Troester, Robert J. (ODAG)	11/30/17 10:08 AM			201712012093188~201711301508400000~Z~105C9E03D2523449876F51BD75426761.EML	Redacted	PII	PII redacted to avoid unsolicited contact.
1430	DOJ00036783	DOJ00036784	DOJ00036782	DOJ00036784	Tucker, Rachael (OAG)	Gore, John (CRT)	Troester, Robert J. (ODAG)	11/30/17 10:08 AM			Re Census Letter.eml	Redacted	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
1431	DOJ00036785	DOJ00036785	DOJ00036785	DOJ00036787	Tucker, Rachael (OAG); Gore, John (CRT)	Troester, Robert J. (ODAG)	N/A	11/30/17 10:18 AM			201712012093188~201711301518320000~Z~105CA180F41C69D731C2770E31DEAC01.EML	Redacted	PII	PII redacted to avoid unsolicited contact.
1432	DOJ00036786	DOJ00036787	DOJ00036785	DOJ00036787	Tucker, Rachael (OAG); Gore, John (CRT)	Troester, Robert J. (ODAG)	N/A	11/30/17 10:18 AM			RE Census Letter.eml	Redacted	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
1433	DOJ00036788	DOJ00036788	DOJ00036788	DOJ00036791	Troester, Robert J. (ODAG) ; Tucker, Rachael (OAG)	Gore, John (CRT)	N/A	11/30/17 4:17 PM			201712012093197~201711302117280000~Z~105D302E7C3791939613CA8686EF3A51.EML	Redacted	PII	PII redacted to avoid unsolicited contact.
1434	DOJ00036789	DOJ00036790	DOJ00036788	DOJ00036791	Troester, Robert J. (ODAG) ; Tucker, Rachael (OAG)	Gore, John (CRT)	N/A	11/30/17 4:17 PM			RE Census Letter.eml	Redacted	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
1435	DOJ00036791	DOJ00036791	DOJ00036788	DOJ00036791	N/A	N/A	N/A			11/30/17 4:16 PM	Request for Citizenship Information.Nov30 CLEAN.docx	WIF	DPP	Draft of the Gary Letter that pre-dates the final Gary Letter and would reveal internal agency deliberations.
1436	DOJ00036792	DOJ00036792	DOJ00036792	DOJ00036794	Troester, Robert J. (ODAG) ; Gore, John (CRT)	Tucker, Rachael (OAG)	N/A	11/30/17 9:38 AM			201712012093204 201711301438010000 z105da827cdc9036ec7f2ebba31fd431.eml.msg	Redacted	PII	PII redacted to avoid unsolicited contact.

Row	Prod.:Beg. Bate	Prod.:End Bates	Prod.:Beg. Attac	Prod.:End Attac	To	FROM	CC	DATE / SENT	AUTHOR	DATE TIME CRTD	FILENAME	Redacted or	Privilege	Privilege Log Description
1437	DOJ00036793	DOJ00036794	DOJ00036792	DOJ00036794	Troester, Robert J. (ODAG) ; Gore, John (CRT)	Tucker, Rachael (OAG)	N/A	11/30/17 9:38 AM			RE Census Letter.eml	Redacted	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
1438	DOJ00036795	DOJ00036797	DOJ00036795	DOJ00036797	Troester, Robert J. (ODAG) ; Tucker, Rachael (OAG)	Gore, John (CRT)	N/A	12/4/17 11:29 AM			201712042405121 20 1712041629450000 Z B008219664FA3F168E 534E833F2A0EA1.EML	Redacted	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
1439	DOJ00036798	DOJ00036800	DOJ00036798	DOJ00036800	Gore, John (CRT); Troester, Robert J. (ODAG)	Tucker, Rachael (OAG)	N/A	12/4/17 11:50 AM			201712042406381 20 1712041650440000 Z B05C1938B302A93BB5 F0ED07B3CD5A61.EML	Redacted	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
1440	DOJ00036801	DOJ00036803	DOJ00036801	DOJ00036803	Tucker, Rachael (OAG)	Gore, John (CRT)	Troester, Robert J. (ODAG)	12/4/17 12:34 PM			201712042409085 20 1712041734430000 Z B11070DD487F7AF895 F35BEEEF9FE4D1.EML	Redacted	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
1441	DOJ00036804	DOJ00036804	DOJ00036804	DOJ00036805	Tucker, Rachael (OAG)	Gore, John (CRT)	N/A	12/8/17 12:00 PM			201712082753699 20 1712081700070000 Z B0CEC9B0DD0C5850EC 20512E8D283171.EML	Redacted	DPP; PII	Email between DOJ lawyers discussing and proposing edits to the draft Gary Letter. Deliberations pre-date the final Gary Letter and would reveal internal DOJ decisionmaking.
1442	DOJ00036805	DOJ00036805	DOJ00036804	DOJ00036805	N/A	N/A	N/A			12/8/17 11:28 AM	Request for Citizenship Information.Dec 8 REDLINE.docx	WIF	DPP	This is a draft of the Gary letter which contains text and comments which are different from the final version and which reflect internal agency deliberations.
1443	DOJ00036806	DOJ00036807	DOJ00036806	DOJ00036808	Gore, John (CRT)	Tucker, Rachael (OAG)	N/A	12/8/17 4:26 PM			201712113000846 20 1712082126480000 Z 907B26D4DCE59C78C1 4E623DDA38A2A1.EML	Redacted	DPP; PII	Discussion between DOJ attorneys concerning proposed changes to the draft Gary Letter and the process for issuing the Gary Letter. Discussions pre-date the final Gary Letter, and revealing them would reveal internal agency decisionmaking. PII also redacted to avoid unsolicited contact.
1444	DOJ00036808	DOJ00036808	DOJ00036806	DOJ00036808	N/A	N/A	N/A			12/8/17 4:23 PM	Request for Citizenship Information.Dec 8 REDLINE edits.docx	WIF	DPP	Draft of the Gary Letter that shows DOJ attorneys' edits.
1458	DOJ00036823	DOJ00036824	DOJ00036823	DOJ00036824	Troester, Robert J. (ODAG) ; Gore, John (CRT)	Unspecified Sender	N/A	11/30/17 9:35 AM			RE: Census Letter.msg	Redacted	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
1469	DOJ00036835	DOJ00036837	DOJ00036835	DOJ00036837	Troester, Robert J. (ODAG) ; Tucker, Rachael (OAG)	Gore, John (CRT)	N/A	12/4/17 11:29 AM			Re: Census Letter.msg	Redacted	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
1470	DOJ00036838	DOJ00036839	DOJ00036838	DOJ00036840	Troester, Robert J. (ODAG) ; Tucker, Rachael (OAG)	Gore, John (CRT)	N/A	11/30/17 4:17 PM			RE: Census Letter.msg	Redacted	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
1471	DOJ00036840	DOJ00036840	DOJ00036838	DOJ00036840	N/A	N/A	N/A			11/30/17 4:16 PM	Request for Citizenship Information.Nov30 CLEAN.docx	WIF	DPP	A draft of the Gary Letter that pre-dates the final version of the Gary Letter, and which would reveal internal DOJ decisionmaking.
1472	DOJ00036841	DOJ00036842	DOJ00036841	DOJ00036842	Tucker, Rachael (OAG); Gore, John (CRT)	Troester, Robert J. (ODAG)	N/A	11/30/17 10:18 AM			RE: Census Letter.msg	Redacted	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.

Row	Prod.:Beg. Bate	Prod.:End Bates	Prod.:Beg. Attac	Prod.:End Attac	To	FROM	CC	DATE / SENT	AUTHOR	DATE TIME CRTD	FILENAME	Redacted or	Privilege	Privilege Log Description
1473	DOJ00036843	DOJ00036844	DOJ00036843	DOJ00036844	Tucker, Rachael (OAG)	Gore, John (CRT)	Troester, Robert J. (ODAG)	11/30/17 10:08 AM			Re: Census Letter.msg	Redacted	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
1474	DOJ00036845	DOJ00036846	DOJ00036845	DOJ00036847	Gore, John (CRT); Tucker, Rachael (OAG)	Troester, Robert J. (ODAG)	N/A	11/30/17 9:21 AM			RE: Census Letter.msg	Redacted	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
1475	DOJ00036847	DOJ00036847	DOJ00036845	DOJ00036847	N/A	N/A	N/A			11/30/17 9:20 AM	Request for Citizenship Information.Nov26 REDLINE RCT edits (RJT edits).docx	WIF	DPP	Draft of the Gary Letter which pre-dates the final letter and would reveal internal DOJ deliberations if released.
1476	DOJ00036848	DOJ00036848	DOJ00036848	DOJ00036848	Tucker, Rachael (OAG)	Gore, John (CRT)	Troester, Robert J. (ODAG)	11/30/17 7:31 AM			Re: Census Letter.msg	Redacted	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
1477	DOJ00036849	DOJ00036849	DOJ00036849	DOJ00036850	Tucker, Rachael (OAG); Troester, Robert J. (ODAG)	Gore, John (CRT)	N/A	11/27/17 12:42 PM			Census Letter.msg	Redacted	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
1478	DOJ00036850	DOJ00036850	DOJ00036849	DOJ00036850	N/A	N/A	N/A			11/25/17 4:28 PM	Request for Citizenship Information.Nov26 REDLINE.docx	WIF	DPP	A draft of the Gary Letter that pre-dates the final Gary Letter and shows the edits of a DOJ attorney.
1483	DOJ00036855	DOJ00036856	DOJ00036855	DOJ00036857	Gore, John (CRT)	Tucker, Rachael (OAG)	N/A	12/8/17 4:26 PM			RE: Letter.msg	Redacted	DPP; PII	Email between DOJ lawyers discussing and proposing edits to the draft Gary Letter. Deliberations pre-date the final Gary Letter and would reveal internal DOJ decisionmaking.
1484	DOJ00036857	DOJ00036857	DOJ00036855	DOJ00036857	N/A	N/A	N/A			12/8/17 4:23 PM	Request for Citizenship Information.Dec 8 REDLINE edits.docx	WIF	DPP	Draft of the Gary Letter showing DOJ attorneys' edits to the text and organization of the letter
1485	DOJ00036858	DOJ00036860	DOJ00036858	DOJ00036860	Gore, John (CRT); Troester, Robert J. (ODAG)	Tucker, Rachael (OAG)	N/A	12/4/17 11:50 AM			RE: Census Letter.msg	Redacted	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
1486	DOJ00036861	DOJ00036863	DOJ00036861	DOJ00036863	Gore, John (CRT); Troester, Robert J. (ODAG)	Unspecified Sender	N/A	12/4/17 11:37 AM			RE: Census Letter.msg	Redacted	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
1487	DOJ00036864	DOJ00036865	DOJ00036864	DOJ00036865	Gore, John (CRT)	Tucker, Rachael (OAG)	Troester, Robert J. (ODAG)	11/30/17 10:17 AM			RE: Census Letter.msg	Redacted	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
1488	DOJ00036866	DOJ00036867	DOJ00036866	DOJ00036867	Troester, Robert J. (ODAG) ; Gore, John (CRT)	Tucker, Rachael (OAG)	N/A	11/30/17 9:38 AM			RE: Census Letter.msg	Redacted	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
1489	DOJ00036868	DOJ00036868	DOJ00036868	DOJ00036869	Gore, John (CRT); Troester, Robert J. (ODAG)	Tucker, Rachael (OAG)	N/A	11/29/17 8:47 PM			RE: Census Letter.msg	Redacted	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.

Row	Prod.:Beg. Bate	Prod.:End Bates	Prod.:Beg. Attac	Prod.:End Attac	To	FROM	CC	DATE / SENT	AUTHOR	DATE TIME CRTD	FILENAME	Redacted or	Privilege	Privilege Log Description
1490	DOJ00036869	DOJ00036869	DOJ00036868	DOJ00036869	N/A	N/A	N/A			11/29/17 8:46 PM	Request for Citizenship Information.Nov26 REDLINE RCT edits.docx	WIF	DPP	Draft of the Gary Letter that pre-dates the final Gary Letter and shows the edits of a DOJ attorney.
1491	DOJ00036870	DOJ00036870	DOJ00036870	DOJ00036870	Gore, John (CRT); Troester, Robert J. (ODAG)	Tucker, Rachael (OAG)	N/A	11/27/17 3:55 PM			RE: Census Letter.msg	Redacted	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
1742	DOJ00039774	DOJ00039774	DOJ00039774	DOJ00039775	Posner, Morton J (JMD)	Gary, Arthur (JMD)	N/A	11/3/17 5:17 PM			FW Close Hold Draft Letter.msg	Redacted	PII	Redacted PII to avoid unsolicited contact.
1743	DOJ00039775	DOJ00039775	DOJ00039774	DOJ00039775	N/A	N/A	N/A			11/3/17 3:34 PM	Letter (rev).docx	WIF	DPP	Draft copy of the Gary Letter.
1850	DOJ00049887	DOJ00049887	DOJ00049873	DOJ00049893	N/A	N/A	N/A		John Gore	10/31/17 11:17 AM	Email 1 - 11.01.2017.pdf^Letter.docx	WIF	DPP	Draft of the Gary Letter that pre-dates the final Gary Letter and reflects agency deliberations concerning the process of requesting the addition of a citizenship question. In addition, this attachment was prepared as part of the agency's deliberative process in responding to a FOIA request and may not reflect the final form of the FOIA release.
1853	DOJ00049890	DOJ00049890	DOJ00049873	DOJ00049893	N/A	N/A	N/A			11/3/17 2:04 PM	Email 3 - 11.03.2017.pdf^Letter (rev).docx	WIF	DPP	Draft of the Gary Letter that pre-dates the final Gary Letter and displays comments and edits by DOJ attorneys. In addition, this attachment was prepared as part of the agency's deliberative process in responding to a FOIA request and may not reflect the final form of the FOIA release.
1938	DOJ00062345	DOJ00062345	DOJ00062331	DOJ00062352	N/A	N/A	N/A		John Gore	10/31/17 11:17 AM	Email 1 - 11.01.2017.pdf^Letter.docx	WIF	DPP	Draft of letter to Census regarding reinstatement of the citizenship question.
1941	DOJ00062348	DOJ00062348	DOJ00062331	DOJ00062352	N/A	N/A	N/A			11/3/17 2:04 PM	Email 3 - 11.03.2017.pdf^Letter (rev).docx	WIF	DPP	Draft letter concerning reinstatement of citizenship question including comments from Justice Department attorney.
2136	DOJ00074717	DOJ00074717	DOJ00074703	DOJ00074724	N/A	N/A	N/A		John Gore	10/31/17 11:17 AM	Email 1 - 11.01.2017.pdf^Letter.docx	WIF	DPP	Draft of Art Gary letter
2139	DOJ00074720	DOJ00074720	DOJ00074703	DOJ00074724	N/A	N/A	N/A			11/3/17 2:04 PM	Email 3 - 11.03.2017.pdf^Letter (rev).docx	WIF	DPP	Draft of Art Gary letter
2339	DOJ00107749	DOJ00107749	DOJ00107749	DOJ00107749	Tucker, Rachael (OAG)	Gore, John (CRT)	Troester, Robert J. (ODAG)	11/30/17 10:08 AM			Re: Census Letter.msg	WIF	AWP; DPP; PII	Email chain discussing edits to draft letter to Census Bureau requesting citizenship question.
2422	DOJ00125619	DOJ00125619	DOJ00125619	DOJ00125620	Hamilton, Gene (OAG)	Tucker, Rachael (OAG)	N/A	11/28/17 7:34 PM			201711291915764 20 1711290034220000 Z 00906A7B19402C2DA2 995E6039387E91.EML	WIF	DPP; PII	Email between DOJ lawyers discussing and proposing edits to the draft Gary Letter. Deliberations pre-date the final Gary Letter and would reveal internal DOJ decisionmaking. PII redacted to avoid unsolicited contact.
2423	DOJ00125620	DOJ00125620	DOJ00125619	DOJ00125620	N/A	N/A	N/A			11/25/17 4:28 PM	Request for Citizenship Information.Nov26 REDLINE.docx	WIF	DPP	Proposed edits to the draft Gary Letter. Pre-dates the final Gary Letter and would reveal internal DOJ decisionmaking.
2424	DOJ00125621	DOJ00125621	DOJ00125621	DOJ00125621	Tucker, Rachael (OAG)	Hamilton, Gene (OAG)	N/A	11/29/17 6:28 PM			201712012098601 20 1711292328360000 Z 205D76CFA4F0764E47 ACBB67F94981D1.EML	WIF	DPP; PII	Email between DOJ lawyers discussing and proposing edits to the draft Gary Letter. Deliberations pre-date the final Gary Letter and would reveal internal DOJ decisionmaking. PII redacted to avoid unsolicited contact.

Row	Prod.:Beg. Bate	Prod.:End Bates	Prod.:Beg. Attac	Prod.:End Attac	To	FROM	CC	DATE / SENT	AUTHOR	DATE TIME CRTD	FILENAME	Redacted or	Privilege	Privilege Log Description
2425	DOJ00125622	DOJ00125622	DOJ00125622	DOJ00125622	Hamilton, Gene (OAG)	Tucker, Rachael (OAG)	N/A	11/29/17 6:28 PM			201712012098602 201711292328040000 Z 205D81576DE0C6797B F9D652ABA96E51.EML	WIF	DPP; PII	Email between DOJ lawyers discussing and proposing edits to the draft Gary Letter. Deliberations pre-date the final Gary Letter and would reveal internal DOJ decisionmaking. PII redacted to avoid <u>unsolicited contact</u> .
2426	DOJ00125623	DOJ00125623	DOJ00125623	DOJ00125623	Tucker, Rachael (OAG)	Hamilton, Gene (OAG)	N/A	11/29/17 6:03 PM			201712012098747 201711292303000000 Z 206738D3DFD5A396CE FDF25D8D345261.EML	WIF	DPP; PII	Email between DOJ lawyers discussing and proposing edits to the draft Gary Letter. Deliberations pre-date the final Gary Letter and would reveal internal DOJ decisionmaking. PII redacted to avoid <u>unsolicited contact</u> .
2427	DOJ00125624	DOJ00125624	DOJ00125624	DOJ00125624	Hamilton, Gene (OAG)	Tucker, Rachael (OAG)	N/A	11/29/17 6:29 PM			201712012098758 201711292329280000 Z 2067F1C340F08DD90A F600D416993EC1.EML	WIF	DPP; PII	Email between DOJ lawyers discussing and proposing edits to the draft Gary Letter. Deliberations pre-date the final Gary Letter and would reveal internal DOJ decisionmaking. PII redacted to avoid <u>unsolicited contact</u> .
2428	DOJ00125625	DOJ00125625	DOJ00125625	DOJ00125625	Tucker, Rachael (OAG)	Hamilton, Gene (OAG)	N/A	11/29/17 6:29 PM			201712012098964 201711292329560000 Z 2075BA9652410F4FE4 3BF5164EED86B1.EML	WIF	DPP; PII	Email between DOJ lawyers discussing and proposing edits to the draft Gary Letter. Deliberations pre-date the final Gary Letter and would reveal internal DOJ decisionmaking. PII redacted to avoid <u>unsolicited contact</u> .
2429	DOJ00125626	DOJ00125626	DOJ00125626	DOJ00125627	Hamilton, Gene (OAG)	Tucker, Rachael (OAG)	N/A	12/8/17 12:09 PM			201712082753741 201712081709530000 Z 80D18EBFDA75CCA255 162B5F45088841.EML	Redacted	DPP; PII	Email between DOJ lawyers discussing and proposing edits to the draft Gary Letter. Deliberations pre-date the final Gary Letter and would reveal internal DOJ decisionmaking.
2430	DOJ00125627	DOJ00125627	DOJ00125626	DOJ00125627	N/A	N/A	N/A			12/8/17 11:28 AM	Request for Citizenship Information.Dec 8 REDLINE.docx	WIF	DPP	This is a draft of the Gary letter which contains text and comments which are different from the final version and which reflect internal agency deliberations.
2483	DOJ00125790	DOJ00125790	DOJ00125790	DOJ00125791	Morrissey, Brian (OAG)	Tucker, Rachael (OAG)	N/A	12/8/17 2:46 PM			201712113000780 201712081946050000 Z 9076CBE572DEC33226 69C98D2F5F8A11.EML	Redacted	DPP; PII	Email between DOJ lawyers discussing and proposing edits to the draft Gary Letter. Deliberations pre-date the final Gary Letter and would reveal internal DOJ decisionmaking.
2484	DOJ00125791	DOJ00125791	DOJ00125790	DOJ00125791	N/A	N/A	N/A			12/8/17 11:28 AM	Request for Citizenship Information.Dec 8 REDLINE.docx	WIF	DPP	This is a draft of the Gary letter which contains text and comments which are different from the final version and which <u>reflect internal agency deliberations</u> .
2485	DOJ00125792	DOJ00125792	DOJ00125792	DOJ00125793	Tucker, Rachael (OAG)	Morrissey, Brian (OAG)	N/A	12/8/17 3:57 PM			201712113000806 201712082057420000 Z 907875E53C7AF5AD37 2B5A67F54BFDA1.EML	Redacted	DPP; PII	Email between DOJ lawyers discussing and proposing edits to the draft Gary Letter. Deliberations pre-date the final Gary Letter and would reveal internal DOJ decisionmaking.
2486	DOJ00125793	DOJ00125793	DOJ00125792	DOJ00125793	N/A	N/A	N/A			12/8/17 3:11 PM	Request for Citizenship Information.Dec 8 REDLINE (4.00pm).docx	WIF	DPP	This is a draft of the Gary letter which contains text and comments which are different from the final version and which reflect internal agency deliberations.
2487	DOJ00125794	DOJ00125794	DOJ00125794	DOJ00125795	Tucker, Rachael (OAG)	Morrissey, Brian (OAG)	N/A	12/8/17 3:57 PM			RE: Letter.msg	Redacted	DPP; PII	Email between DOJ lawyers discussing and proposing edits to the draft Gary Letter. Deliberations pre-date the final Gary Letter and would reveal internal DOJ decisionmaking.
2488	DOJ00125795	DOJ00125795	DOJ00125794	DOJ00125795	N/A	N/A	N/A			12/8/17 3:11 PM	Request for Citizenship Information.Dec 8 REDLINE (4.00pm).docx	WIF	DPP	This is a draft of the Gary letter which contains text and comments which are different from the final version and which reflect internal agency deliberations.

Row	Prod.:Beg. Bate	Prod.:End Bates	Prod.:Beg. Attac	Prod.:End Attac	To	FROM	CC	DATE / SENT	AUTHOR	DATE TIME CRTD	FILENAME	Redacted or	Privilege	Privilege Log Description
3007	DOJ00128664	DOJ00128664	DOJ00128664	DOJ00128669	Hamilton, Gene (OAG)	Tucker, Rachael (OAG)	N/A	11/28/17 7:34 PM			201711302080479~201711290034220000~z~e1457221d9055404630e5820dcdf09d1(1).eml.msg	Redacted	PII	Redactions made to PII.
3008	DOJ00128665	DOJ00128665	DOJ00128664	DOJ00128669	Hamilton, Gene (OAG)	Tucker, Rachael (OAG)	N/A	11/28/17 7:34 PM			Census Letter.eml	Redacted	DPP; PII	Redactions made to PII and attorney's mental impressions regarding the census letter.
3009	DOJ00128666	DOJ00128669	DOJ00128664	DOJ00128669	N/A	N/A	N/A			11/25/17 4:28 PM	Request for Citizenship Information.Nov26 REDLINE.docx	Redacted	DPP; PII	Redacted in full of edits made to draft letter to US Census regarding 2020 census questions.
3010	DOJ00128670	DOJ00128670	DOJ00128670	DOJ00128671	Hamilton, Gene (OAG)	Tucker, Rachael (OAG)	N/A	11/29/17 6:28 PM			201711302080491~201711292328040000~z~e14649279c7adc288347c89d38e95e81.eml.msg	Redacted	PII	Redaction made to remove PII containing emails.
3011	DOJ00128671	DOJ00128671	DOJ00128670	DOJ00128671	Hamilton, Gene (OAG)	Tucker, Rachael (OAG)	N/A	11/29/17 6:28 PM			Re Census Letter.eml	Redacted	DPP; PII	Redacted DOJ attorneys concerning draft letter, which pre-date final letter. PII redacted.
3012	DOJ00128672	DOJ00128672	DOJ00128672	DOJ00128673	Hamilton, Gene (OAG)	Tucker, Rachael (OAG)	N/A	11/29/17 6:29 PM			201711302080492~201711292329280000~Z~E14649C817D60B2B48D2E53D81A83371.EML	Redacted	PII	PII redacted.
3013	DOJ00128673	DOJ00128673	DOJ00128672	DOJ00128673	Hamilton, Gene (OAG)	Tucker, Rachael (OAG)	N/A	11/29/17 6:29 PM			Re Census Letter.eml	Redacted	DPP; PII	Redacted DOJ attorneys concerning draft letter, which pre-date final letter. PII redacted.
3014	DOJ00128674	DOJ00128674	DOJ00128674	DOJ00128675	Morrissey, Brian (BOP)	Tucker, Rachael (OAG)	N/A	12/8/17 1:55 PM			201712113000722~201712081855430000~z~9072d3973eb760028fb7e3e390998e11.eml	Redacted	DPP; PII	Email between DOJ lawyers discussing and proposing edits to the draft Gary Letter. Deliberations pre-date the final Gary Letter and would reveal internal DOJ decisionmaking.
3015	DOJ00128675	DOJ00128675	DOJ00128674	DOJ00128675	N/A	N/A	N/A			12/8/17 11:28 AM	Request for Citizenship Information.Dec 8 REDLINE.docx	WIF	DPP	This is a draft of the Gary letter which contains text and comments which are different from the final version and which reflect internal agencydeliberations.
3055	DOJ00128771	DOJ00128771	DOJ00128771	DOJ00128772	Brian Morrissey (OAG)	Tucker, Rachael (OAG)	N/A	12/8/17 2:46 PM			FW: Letter.msg	Redacted	DPP; PII	Email between DOJ lawyers discussing and proposing edits to the draft Gary Letter. Deliberations pre-date the final Gary Letter and would reveal internal DOJ decisionmaking.
3056	DOJ00128772	DOJ00128772	DOJ00128771	DOJ00128772	N/A	N/A	N/A			12/8/17 11:28 AM	Request for Citizenship Information.Dec 8 REDLINE.docx	WIF	DPP	This is a draft of the Gary letter which contains text and comments which are different from the final version and which reflect internal agency deliberations.
3057	DOJ00128773	DOJ00128773	DOJ00128773	DOJ00128774	N/A	Unspecified Sender	N/A	12/8/17 2:43 PM			FW: Letter.msg	Redacted	DPP; PII	Unsent, draft email between DOJ lawyers discussing and proposing edits to the draft Gary Letter. Deliberations pre-date the final Gary Letter and would reveal internal DOJ decisionmaking.
3058	DOJ00128774	DOJ00128774	DOJ00128773	DOJ00128774	N/A	N/A	N/A			12/8/17 11:28 AM	Request for Citizenship Information.Dec 8 REDLINE.docx	WIF	DPP	This is a draft of the Gary letter which contains text and comments which are different from the final version and which reflect internal agency deliberations.

Row	Prod.:Beg. Bate	Prod.:End Bates	Prod.:Beg. Attac	Prod.:End Attac	To	FROM	CC	DATE / SENT	AUTHOR	DATE TIME CRTD	FILENAME	Redacted or	Privilege	Privilege Log Description
3059	DOJ00128775	DOJ00128775	DOJ00128775	DOJ00128775	Hamilton, Gene (OAG)	Tucker, Rachael (OAG)	N/A	11/29/17 6:29 PM			Re: Census Letter.msg	Redacted	DPP; PII	Redacted DOJ attorneys concerning draft letter, which pre-date final letter. PII redacted.
3060	DOJ00128776	DOJ00128776	DOJ00128776	DOJ00128776	Hamilton, Gene (OAG)	Tucker, Rachael (OAG)	N/A	11/29/17 6:29 PM			Re: Census Letter.msg	Redacted	DPP; PII	Redacted DOJ attorneys concerning draft letter, which pre-date final letter. PII redacted.
3061	DOJ00128777	DOJ00128777	DOJ00128777	DOJ00128777	Hamilton, Gene (OAG)	Tucker, Rachael (OAG)	N/A	11/29/17 6:28 PM			Re: Census Letter.msg	Redacted	DPP; PII	Redacted DOJ attorneys concerning draft letter, which pre-date final letter. PII redacted.
3062		DOJ00128778	DOJ00128778	DOJ00128778	Hamilton, Gene (OAG)	Tucker, Rachael (OAG)	N/A	11/29/17 6:28 PM			Re: Census Letter.msg	Redacted	DPP; PII	Redacted DOJ attorneys concerning draft letter, which pre-date final letter. PII redacted.
3063	DOJ00128779	DOJ00128779	DOJ00128779	DOJ00128780	Gene Hamilton (OAG)	Tucker, Rachael (OAG)	N/A	11/28/17 7:34 PM			Census Letter.msg	Redacted	PII	Private contact information redacted.
3064	DOJ00128780	DOJ00128780	DOJ00128779	DOJ00128780	N/A	N/A	N/A			11/25/17 4:28 PM	Request for Citizenship Information.Nov26 REDLINE.docx	WIF	DPP	Draft version of Gary letter with edits.
3067	DOJ00128783	DOJ00128783	DOJ00128783	DOJ00128784	Gene Hamilton (OAG)	Tucker, Rachael (OAG)	N/A	12/8/17 12:09 PM			FW: Letter.msg	Redacted	DPP; PII	Email between DOJ lawyers discussing and proposing edits to the draft Gary Letter. Deliberations pre-date the final Gary Letter and would reveal internal DOJ decisionmaking.
3068	DOJ00128784	DOJ00128784	DOJ00128783	DOJ00128784	N/A	N/A	N/A			12/8/17 11:28 AM	Request for Citizenship Information.Dec 8 REDLINE.docx	WIF	DPP	This is a draft of the Gary letter which contains text and comments which are different from the final version and which reflect internal agency deliberations.
3093	DOJ00128848	DOJ00128848	DOJ00128848	DOJ00128849	Morrissey, Brian (BOP)	Tucker, Rachael (OAG)	N/A	12/8/17 1:55 PM			FW: Letter.msg	Redacted	DPP; PII	Email between DOJ lawyers discussing and proposing edits to the draft Gary Letter. Deliberations pre-date the final Gary Letter and would reveal internal DOJ decisionmaking.
3094	DOJ00128849	DOJ00128849	DOJ00128848	DOJ00128849	N/A	N/A	N/A			12/8/17 11:28 AM	Request for Citizenship Information.Dec 8 REDLINE.docx	WIF	DPP	This is a draft of the Gary letter which contains text and comments which are different from the final version and which reflect internal agency deliberations.

# **EXHIBIT 19**



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**From:** Freedman, John A.  
**Sent:** Friday, October 5, 2018 8:32 AM  
**To:** Bailey, Kate (CIV); Goldstein, Elena; zzz.External.DHo@aclu.org; Federighi, Carol (CIV); Coyle, Garrett (CIV); Kopplin, Rebecca M. (CIV); Halainen, Daniel J. (CIV); Tomlinson, Martin M. (CIV); Ehrlich, Stephen (CIV); Wells, Carlotta (CIV)  
**Cc:** zzz.External.SBrannon@aclu.org; zzz.External.PGrossman@nyclu.org; Colangelo, Matthew; Bauer, Andrew; Gersch, David P.; Grossi, Peter T.; Weiner, David J.; Young, Dylan Scot; Kelly, Caroline; Saini, Ajay; Wood, Laura; Raines, Chase  
**Subject:** New York State et al. v. Commerce, 18-cv-2921

Counsel --

This is a follow up to the DOJ production of October 3 regarding certain privilege assertions.

1. The log entries for DOJ 15197, 15198, 15199, and 15200 do not set forth sufficient information as to the documents to allow us to assess the privilege claims. Please produce the documents or substantiate the basis why they have been withheld by providing the author, recipient(s), custodians, and date/time of these documents.
2. In conjunction with our pending motion challenging DOJ deliberative privilege assertions (ECF 343), we intend to supplement that motion to challenge the certain related sets of deliberative privilege assertions. Please advise as to your position regarding the following sets of documents:
  - a. Materials related to the September 11, 2017 exchange between Mr. Gore and Gary. E.g., DOJ 14907, 14922, 14996, 15002, 15006, 30720, 30723 and 30725.
  - b. Further communications related to Mr. Gore's initial draft of the December 12 letter around late October and early November 2017. E.g., DOJ 14801, 14802, 14803, 14854, 14856, 14857, 14946, 14952, 14957, 14962, 14967, 14972, 14977, 14981, 14985, 14989, 14993, 15008, 20885, 20886, 28339, 28375, 29550, 29552, 30703, 30708, 30712, 30733, 30739, 30745, 32176, 32180, and 32184.
  - c. Subsequent drafts of the request letter. E.g., DOJ 14793, 14798, 14827, 14840, 14848, 14850, 14877, 15075, 15079, 29558, 29564, 29783, and 29784.

Thank you for your prompt attention to these matters.

Best regards,

John

---

John A. Freedman



[REDACTED]

---

**From:** Bailey, Kate (CIV) [REDACTED]  
**Sent:** Wednesday, October 03, 2018 1:10 PM  
**To:** Goldstein, Elena; Freedman, John A.; zzz.External.DHo@aclu.org; Federighi, Carol (CIV); Coyle, Garrett (CIV); Kopplin, Rebecca M. (CIV); Halainen, Daniel J. (CIV); Tomlinson, Martin M. (CIV); Ehrlich, Stephen (CIV); Wells, Carlotta (CIV)  
**Cc:** zzz.External.SBrannon@aclu.org; zzz.External.PGrossman@nyclu.org; Colangelo, Matthew; Bauer, Andrew; Gersch, David P.; Grossi, Peter T.; Weiner, David J.; Young, Dylan Scot; Kelly, Caroline; Saini, Ajay; Wood, Laura; Raines, Chase  
**Subject:** DOJ Production

Counsel,

As promised in my email last night, disks containing the most-recent DOJ production have been sent by courier to Arnold & Porter and by Federal Express to the NYAG Plaintiffs' counsel. Please find attached a production letter and privilege log.

The password for the disks is F3dprg20M!!!

Kate Bailey

[REDACTED]

# **EXHIBIT 20**

**From:** Bailey, Kate (CIV) <[REDACTED]>  
**Sent:** Tuesday, October 23, 2018 3:23 PM  
**To:** Freedman, John A.; Federighi, Carol (CIV); Ehrlich, Stephen (CIV); Coyle, Garrett (CIV); Wells, Carlotta (CIV)  
**Cc:** zzz.External.DHo@aclu.org; Cc: Khan, Sania; asenteno@MALDEF.org; Todd Grabarsky; Raines, Chase; Thomas, Tina; Goldstein, Elena; Colangelo, Matthew; Gabrielle.Boutin@doj.ca.gov; Duraiswamy, Shankar; Matthew Wise; Rosenberg, Ezra; 'Case, Andrew'  
**Subject:** Remaining discovery productions  
**Attachments:** 10 23 2018 production letter prod 6.pdf; 10 23 2018 production letter prod 7.pdf; 10 23 2018 production letter prod 8.pdf; Defendants Responses to NY 3rd Interrogatories to All Defendants.pdf; Defendants Responses to NYC RFA Commerce.pdf; Partial DOJ Priv Log -- 6th Production.pdf; Partial DOJ Priv Log -- 7th Production.pdf; Partial DOJ Priv Log -- 8th Production.pdf; DOJ00129966.pdf; DOJ00129967.pdf; DOJ00129970.pdf; DOJ00129973.pdf; DOJ00129975.pdf; DOJ00129977.pdf; DOJ00129985.pdf; DOJ00129988.pdf; DOJ00129990.pdf; Commerce Production 6 Privilege Log.pdf; Commerce Production 6 Production Letter.pdf; COM\_DIS00014338 (replacement).pdf; COM\_DIS00014335 (replacement).pdf

Counsel,

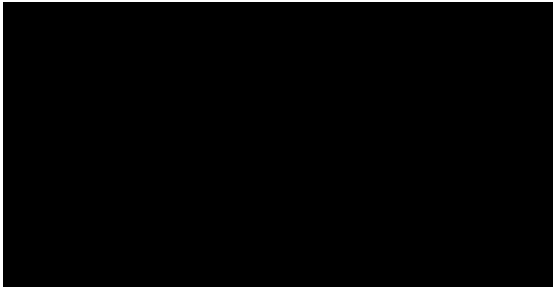
In accordance with Judge Furman's order at last week's status conference, I write to provide most of the outstanding written discovery productions.

- Today we overnighted materials to the NYAG's offices and sent the same materials by courier to Arnold and Porter's DC offices.
  - Production letters for DOJ Productions 6, 7, and 8 are attached, as well as the accompanying privilege logs.
  - Production 7 is on an encrypted flash drive because it was too large to fit on CDs. The password for the drive is 333774206277, and instructions for use are included in the box. Kindly return the flash drives to us after you've copied the files, please. The remaining productions are on CDs, and the password is F3dprg20M!!!
  - Production 7 includes several "dead," or missing bates numbers, due to an inadvertent error on our end. The production was too large for us to re-run once we discovered those errors, so please understand that any missing bates numbers you observe in Prod007 are intentional.
  - In response to Dale Ho's email of 10/7, we previously produced 115 documents without bates numbers. Today we have also transmitted bates numbered versions of these documents. We did not previously address DOJ 15200, but we have determined that that document can be released in full. It will be provided by separate email later today.
  - In response to the DOJ doc issues raised in John Freedman's email of October 5<sup>th</sup> at 8:32 am, you requested that we produce email chains represented at DOJ 14907, 14922, 14996, 15002, 15006, 30720, 30723 and 30725. We have determined that we can release this chain in full, and these documents are attached to this email.
  - You requested more information about DOJ 15197, 15198, 15199, and 15200. These documents were in hard copy, and therefore no metadata exists for author, recipient, date, or time. These materials were collected from John Gore. As noted above, we have determined that DOJ 15200 can be released in full. In addition, we have determined that DOJ 15199 can be released in full, and will be coming later this

afternoon. As noted in the privilege log entry for DOJ 15198, it is a copy of the Uthmeier memo provided to Gore, and DOJ 15198 is a note that accompanied DOJ 15197. These documents will not be released.

- Also attached are the production letter and privilege log for Commerce Production 6.
- On Thursday, 10/8, Elena wrote to us requesting the basis for our request to claw back two documents. The replacement documents also are attached. Information has been redacted as privileged in these two documents for the reasons set forth in the privilege log for the same redactions in COM\_DIS00014369, Row 114.
- Also attached to this email are Defendants' responses to NYC Plaintiffs' RFAs to the Department of Commerce and responses to the Third Interrogatories to all Defendants. Responses to NYC Plaintiffs' RFAs to Census will be coming later today.
- By separate email momentarily, I will be providing you re-produced versions of the documents we produced on October 9<sup>th</sup> in response to Judge Furman's order—the new versions have both the original and new bates numbers.
- Sahra Park-Su is available for deposition this Thursday. David Langdon is available this Friday and, per my earlier email, John Gore's earliest date of availability also is Friday.

Kate Bailey



# **EXHIBIT 21**

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**From:** Howard Feldman <[REDACTED]>  
**Sent:** Wednesday, October 24, 2018 9:53 AM  
**To:** Duraiswamy, Shankar  
**Subject:** RE: NY v. Dept of Commerce

I am going to sound stupid-but what do you mean by NDA. I have also been advised that the documents seeking to be privileged are on a government privilege log. I am working with a Brad Rosenberg and a Josh Gardner at DOJ. Working on the document production now. Probably will come as multiple emails.

Howard

Howard W. Feldman

[REDACTED]

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**From:** Duraiswamy, Shankar [REDACTED]  
**Sent:** Wednesday, October 24, 2018 9:53 AM  
**To:** Howard Feldman [REDACTED]  
**Cc:** A. Mark Neuman ([REDACTED]); Stan Wasser ([REDACTED]);  
Rosenberg, Brad (CIV) [REDACTED]; Altvater, B.J., [REDACTED]  
**Subject:** RE: NY v. Dept of Commerce

Howard,

Thanks for the update. A few responses:

1. Please send the documents that are not allegedly privileged asap. Given the timing we need to review them promptly and don't want to wait on the privilege log.
2. Please let me know who at the government you have been dealing with on privilege issues, so we know who to reach out to.
3. If you are withholding any documents based on an NDA, please identify what the NDA says about providing information or documents pursuant to court order or legal process. Thanks.

Best regards,  
Shankar

-----Original Message-----

From: Howard Feldman <[REDACTED]>

Sent: Wednesday, October 24, 2018 9:35 AM

To: Duraiswamy, Shankar <[REDACTED]>

Cc: A. Mark Neuman <[REDACTED]>; Stan Wasser <[REDACTED]>;  
Rosenberg, Brad (CIV <[REDACTED]>

Subject: RE: NY v. Dept of Commerce

Going to work on that this morning. There are a few documents that the government is claiming a privilege and I will provide as close as I can to a detailed privilege log. Those issues are between you and the government but I do not want my client to get into trouble releasing documents that are privileged.

Howard W. Feldman

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-----Original Message-----

From: Duraiswamy, Shankar <[REDACTED]>

Sent: Wednesday, October 24, 2018 8:29 AM

To: Howard Feldman <[REDACTED]>

Cc: Altvater, B.J., <[REDACTED]>

Subject: RE: NY v.

I'm working on finding out. Where are we on documents?

-----Original Message-----

From: Howard Feldman <[REDACTED]>

Sent: Wednesday, October 24, 2018 9:26 AM


To: Duraiswamy, Shankar <[REDACTED]>

Subject: RE: NY v. Dept of Commerce

Thank you-do you have a count on the number of lawyers attending?



Howard W. Feldman



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-----Original Message-----

From: Duraiswamy, Shankar <[REDACTED]>  
Sent: Wednesday, October 24, 2018 7:56 AM  
To: Howard Feldman <[hfeldman@feldman.wa](mailto:hfeldman@feldman.wa)>  
Cc: Stan Wasser <[REDACTED]>; Altvater, B.J., <[REDACTED]>  
Subject: Re: NY v. Dept of Commerce

Okay, thanks. Please keep in mind that we have seven hours on the record and while we don't expect to use all seven, we may well have to go past 5 pm.

Sent from my iPhone

On Oct 23, 2018, at 6:27 PM, Howard Feldman <[REDACTED]>  
[REDACTED] wrote:

Mr. Neuman has indicated he can start at noon. That should be enough time I hope to get you out of here and on your way. Not that Illinois cannot use the extra revenue of staying the night. However, given the night getting you home is a good thing. I hope that helps a little. I will address the documents tomorrow.

Howard

Howard W. Feldman



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From: Duraiswamy, Shankar <[REDACTED]>  
Sent: Tuesday, October 23, 2018 5:11 PM  
To: Howard Feldman [REDACTED]  
Subject: RE: NY v. Dep

Howard,

Can we start at 11 am? That would hopefully avoid our having to stay into Sunday evening and allow us to travel from and back to DC in the same day.

In addition, can you please produce asap the documents that you were prepared to produce before the stay was imposed? Thanks.

From: Duraiswamy, Shankar  
Sent: Tuesday, October 23, 2018 2:05 PM  
To: 'Howard Feldman' <[REDACTED]>  
Subject: RE: NY v. Dept of Commerce

Thanks. Let's plan for Sunday. I will circle back on specifics.

From: Howard Feldman <[REDACTED]>  
Sent: Tuesday, October 23, 2018 11:39 AM  
To: Duraiswamy, Shankar <[REDACTED]>  
Subject: NY v. Dept of Commerce

Shankar:

Mr. Neuman has two long schedule activities he coordinates and puts on for clients that deal with honoring military and/or a military museum. I would suggest we stick with Sunday. I do not know how the Federal Judges address matters in NY but it seems reasonable to provide reasonable notice to non-party deponents and deal with their schedule. I could say more but it probably is prudent to leave it at that. I feel badly screwing up your anniversary and I can assure you I do not want to be sitting in a deposition on Sunday when I have a evidentiary hearing set for Monday relating to a father trying to get to see his special needs child but it is what it is.

Let me know so I can plan accordingly.

Howard

Howard W. Feldman  
[REDACTED]



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# **EXHIBIT 22**

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**From:** Howard Feldman <[REDACTED]>  
**Sent:** Wednesday, October 24, 2018 9:58 AM  
**To:** Duraiswamy, Shankar  
**Cc:** A. Mark Neuman ([REDACTED]); Stan Wasser; Rosenberg, Brad (CIV); Gardner, Joshua E (CIV)  
**Subject:** NY et. al. v. Dept of Commerce  
**Attachments:** US Census Vendor Map. Presentations to Sec..pdf

Attached is the first group of documents responsive to the initial subpoena. Although we have not had the time to formally object-the last request that asks for every email/text related to the census is over broad and would require Mr. Neuman to go through an enormous group of emails, if at all possible. He has gone through and provided all of the emails and text that address communications concerning the census with the named individuals as best possible.

Howard

Howard W. Feldman

[REDACTED]

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# **EXHIBIT 23**

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**From:** Freedman, John A.  
**Sent:** Tuesday, July 31, 2018 10:07 PM  
**To:** 'Bailey, Kate (CIV)'; 'Federighi, Carol (CIV)'; 'Ehrlich, Stephen (CIV)'; 'Coyle, Garrett (CIV)'; 'Eshkenazi, Lara (USANYS)'; 'Vargas, Jeannette (USANYS)'; 'Tarczynska, Dominika (USANYS)'  
**Cc:** Colangelo, Matthew; 'Goldstein, Elena'; Saini, Ajay; 'dale.ho@aclu.org'; zzz.External.SBrannon@aclu.org; zzz.External.PGrossman@nyclu.org; Bauer, Andrew  
**Subject:** State of New York v. Department of Commerce, S.D.N.Y 18-CV-2921; NYIC v. Department of Commerce, S.D.N.Y. 18-CV-5025: Meet & Confer Follow Up  
**Attachments:** Census Supplemental Production 1 Rule 26 Deficiencies.pdf; Census Supplemental Production 2 Rule 26 Deficiencies.pdf

Counsel --

To summarize our discussion this afternoon:

1. We look forward to receiving the deposition dates for the remaining requested witnesses and the explanation of the basis for redaction and withholding Title 13 information tomorrow.
2. We also look forward to your answer on the DoJ subpoena, your answers to our questions about the productions from Secretary Ross, Ms. Teramoto, Ms. Alexander, and Messrs. Comstock, Branstad, Hernandez, and Uthmeier (including his August 11, 2017 memorandum), and the supplemental production (including the "swat" team's shared file, the Marc Neuman document misdesignated as privileged, and the other materials that were inadvertently omitted from the last production), and your proposal on the native file and encrypted documents by the end of the week.
3. This will also confirm your representation that the Government is not asserting executive privilege over any materials from Commerce or the Census Bureau, and has not withheld anything on the basis of executive privilege.
4. This will confirm our understanding that the Government continues to assert a deliberative privilege and work product over certain documents, as well as the sufficiency of the logs provided. We believe we are at impasse on these issues and will raise with the Court. We will evaluate your Title 13 explanation, but in the absence of a satisfactory explanation, we will also raise this with the Court.
5. As a follow up to our discussion, we have attached the relevant excerpts of the logs that we have identified that do not comply with Rule 26(b)(5) and S.D.N.Y. Local Rule 26.2(a)(2)(A). There may be additional entries that are not reflected in these charts. As we advised, under the Rules and governing law, the withholding party has the obligation to establish the applicability of the privilege, and in the absence of this information, there is no valid basis to withhold these documents.

Best regardsm

John

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**From:** Freedman, John A.  
**Sent:** Monday, July 30, 2018 6:40 PM

**To:** 'Bailey, Kate (CIV)'; Ehrlich, Stephen (CIV); Federighi, Carol (CIV); Eshkenazi, Lara (USANYS); Tarczynska, Dominika (USANYS); Vargas, Jeannette (USANYS); Coyle, Garrett (CIV)

**Cc:** [zzz.External.DHo@aclu.org](mailto:zzz.External.DHo@aclu.org); [zzz.External.SBrannon@aclu.org](mailto:zzz.External.SBrannon@aclu.org); [zzz.External.PGrossman@nyclu.org](mailto:zzz.External.PGrossman@nyclu.org); Bauer, Andrew; Colangelo, Matthew; Goldstein, Elena; Saini, Ajay

**Subject:** RE: State of New York v. Department of Commerce, S.D.N.Y 18-CV-2921; NYIC v. Department of Commerce, S.D.N.Y. 18-CV-5025: Meet & Confer Request

Counsel --

A number of us have re-arranged our schedules, and we are able to proceed at 3:30 tomorrow. We will send a calendar invite.

If you are able to address any of the technical issues in advance of the call, that will shorten the time necessary for the call. That said, in addition to the issues we have asked you to look into, we have serious concerns about the Government's compliance with the Court's orders -- there are significant gaps in the Administrative Record and a large number of documents (or information contained within the documents) have been withheld on highly questionable assertions of privilege. We will be prepared to discuss these issues with you in detail tomorrow.

Talk to you tomorrow.

John

---

**From:** Bailey, Kate (CIV) [<mailto:Kate.Bailey@usdoj.gov>]

**Sent:** Monday, July 30, 2018 5:05 PM

**To:** Freedman, John A.; Ehrlich, Stephen (CIV); Federighi, Carol (CIV); Eshkenazi, Lara (USANYS); Tarczynska, Dominika (USANYS); Vargas, Jeannette (USANYS); Coyle, Garrett (CIV)

**Cc:** [zzz.External.DHo@aclu.org](mailto:zzz.External.DHo@aclu.org); [zzz.External.SBrannon@aclu.org](mailto:zzz.External.SBrannon@aclu.org); [zzz.External.PGrossman@nyclu.org](mailto:zzz.External.PGrossman@nyclu.org); Bauer, Andrew; Colangelo, Matthew; Goldstein, Elena; Saini, Ajay

**Subject:** RE: State of New York v. Department of Commerce, S.D.N.Y 18-CV-2921; NYIC v. Department of Commerce, S.D.N.Y. 18-CV-5025: Meet & Confer Request

Counsel—

Thank you for your email. While we understand your desire to move these matters quickly, it would not be appropriate to submit a joint filing without receiving our edits or position. Please refrain from assuming our position without hearing from us. We are available tomorrow afternoon after 3:30 pm to meet and confer.

Regarding the coordination procedures in particular, certain aspects of your proposal exceed the substance of our discussion last week. We will send you edits representing our points of disagreement by the close of business tomorrow.

In addition, we anticipate providing you with additional deposition dates on our call tomorrow. Thank you for advising us that the deposition of Mr. Herren likely will not be needed.

We do not consent to your proposal to amend your complaint(s) to add the Department, AG Sessions, or Mr. Gore as official-capacity defendants.

Thank you,

Kate

**Kate Bailey**

Trial Attorney

United States Department of Justice



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Room 7214  
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**From:** Freedman, John A. [<mailto:John.Freedman@arnoldporter.com>]

**Sent:** Monday, July 30, 2018 3:11 PM

**To:** Ehrlich, Stephen (CIV) <[sehrlich@CIV.USDOJ.GOV](mailto:sehrlich@CIV.USDOJ.GOV)>; Bailey, Kate (CIV) <[katbaile@CIV.USDOJ.GOV](mailto:katbaile@CIV.USDOJ.GOV)>; Federighi, Carol (CIV) <[CFederig@CIV.USDOJ.GOV](mailto:CFederig@CIV.USDOJ.GOV)>; Eshkenazi, Lara (USANYS) <[Lara.Eshkenazi@usdoj.gov](mailto:Lara.Eshkenazi@usdoj.gov)>; Tarczynska, Dominika (USANYS) <[Dominika.Tarczynska@usdoj.gov](mailto:Dominika.Tarczynska@usdoj.gov)>; Vargas, Jeannette (USANYS) <[Jeannette.Vargas@usdoj.gov](mailto:Jeannette.Vargas@usdoj.gov)>; Coyle, Garrett (CIV) <[gcoyle@CIV.USDOJ.GOV](mailto:gcoyle@CIV.USDOJ.GOV)>

**Cc:** [DHo@aclu.org](mailto:DHo@aclu.org); [SBrannon@aclu.org](mailto:SBrannon@aclu.org); [PGrossman@nyclu.org](mailto:PGrossman@nyclu.org); Bauer, Andrew <[Andrew.Bauer@arnoldporter.com](mailto:Andrew.Bauer@arnoldporter.com)>; Colangelo, Matthew <[Matthew.Colangelo@ag.ny.gov](mailto:Matthew.Colangelo@ag.ny.gov)>; Goldstein, Elena <[Elena.Goldstein@ag.ny.gov](mailto:Elena.Goldstein@ag.ny.gov)>; Saini, Ajay <[Ajay.Saini@ag.ny.gov](mailto:Ajay.Saini@ag.ny.gov)>

**Subject:** State of New York v. Department of Commerce, S.D.N.Y 18-CV-2921; NYIC v. Department of Commerce, S.D.N.Y. 18-CV-5025: Meet & Confer Request

Counsel --

We wish to raise three matters:

1. This is the fourth email we are sending since last Wednesday to request a meet and confer regarding the Government's production of the supplemental administrative record. Counsel for both the State of New York and NYIC cases remain available to discuss this afternoon and tomorrow morning.

Judge Furman's practice requires disputes of this nature to be raised "promptly." In the event we do not hear from you shortly, we will assume the Government does not wish to confer about these matters and will proceed accordingly.

2. In advance of the meet and confer, we have identified several further issues we hope the Government will address to shorten our agenda:

a. Log Entries that Fail to Comply with Rule 26(b)(5) and S.D.N.Y. Local Rule 26.2(a)(2)(A): For many documents that appear to have been withheld in their entirety, the log fails to identify sufficient information to enable us to identify assess the privilege claim -- many log entries identify neither the date of the document, the author or custodian or any other recipients of the documents, e.g., 3902, 4054, 4349, 5418, etc. The Government should promptly produce a log that provides this information for every document withheld.

b. Census Bureau Team Folder: We have seen references in the production to Mr. Abowd's "swat" team having a team folder and/or a shared drive or intranet site. In a related context, we have also seen a reference to a site his team used called: SECURE\_ADREC\_2020, e.g., 7505, 9616, 11200. Have the contents of these folders been provided? If so, where are they in the record?

c. Native Files and Other Withheld Materials: There are documents we have seen where a slip sheet has been produced indicating the original document was not produced because it is a native file or encrypted, e.g., 7516, 9570, 9621, 9836, 9837. These are not a valid basis to withhold materials. These and any similar materials should be produced.

d. Work Product Assertions: With regard to the work product assertions, we have found a document (3888) asserting work product as early as May 24, 2017. So our questions regarding work product assertions should be addressed relative to that date.

To be clear, there are a number of other substantive points we plan to raise when we talk. But our hope is that you will be able to address these before our discussion.

3. We wanted to check whether you will have any changes to the coordination procedures letter that New York sent last Wednesday. We believe this reflects the agreements we reached when we met and conferred on July 13 and accurately reports the points of disagreement. We plan to submit to the Court tomorrow, so in the absence of receiving any edits from you, we will assume you still agree with the outlined procedures.

Thanks and best regards,

John

---

**From:** Freedman, John A.

**Sent:** Friday, July 27, 2018 3:54 PM

**To:** 'Ehrlich, Stephen (CIV)'; Bailey, Kate (CIV); Federighi, Carol (CIV); [Lara.Eshkenazi@usdoj.gov](mailto:Lara.Eshkenazi@usdoj.gov); Tarczynska, Dominika (USANYS); [Jeannette.Vargas@usdoj.gov](mailto:Jeannette.Vargas@usdoj.gov)

**Cc:** [zzz.External.DHo@aclu.org](mailto:zzz.External.DHo@aclu.org); [zzz.External.SBrannon@aclu.org](mailto:zzz.External.SBrannon@aclu.org); [zzz.External.PGrossman@nyclu.org](mailto:zzz.External.PGrossman@nyclu.org); Bauer, Andrew; Colangelo, Matthew; Goldstein, Elena; Saini, Ajay

**Subject:** State of New York v. Department of Commerce, S.D.N.Y. 18-CV-2921; NYIC v. Department of Commerce, S.D.N.Y. 18-CV-5025; Department of Justice Discovery

Counsel --

This will acknowledge Garrett's email from 10:30 this morning. I have instructed the NYIC team in accordance with Rule 26(b)(5), and understand the State of New York team has as well.

We wanted to check in on a few things:

1. Attached please find deposition notices for Messrs. Abowd (for August 15) and Jarmin (for August 20). We should be able to lock in the date for Ms. Teramoto's testimony early next week.
2. Last week, we sent a copy of the Department of Justice subpoena (with a return date for testimony starting on August 13) and a draft Census Bureau Rule 30(b)(6) notice. As I advised when I sent the notice, we plan to revise the list of Census Bureau topics in light of the supplements to the Administrative Record, and send a final notice next week, with a notice date of August 14. That date was requested by counsel from the various California cases, who have asked that we try to cluster depositions because of travel considerations.
3. We are still waiting for dates from you for Messrs. Gore and Comstock and Ms. Dunn Kelley. Also -- we should advise that we believe the testimony called for in the Department of Justice Rule 30(b)(6) notice may be adequate to cover the testimony we requested from Mr. Herren.
4. We are still waiting on your position whether you will consent to the filing of an amended complaint naming DoJ, the Attorney General and Mr. Gore (in their official capacities) as Defendants.
5. Earlier this week, the State of New York sent a draft of proposed coordination procedures, which reflect the discussion from our last meet and confer, as well as the positions of the plaintiffs in the California and Maryland cases. Could you let us know whether the Government is OK with plaintiffs submitting this letter jointly?

6. We are still waiting for a response on the request we made earlier this week for a meet and confer on Monday afternoon or Tuesday morning regarding the supplement to the Administrative Record and the assertions of privilege reflected in the log, as well as depositions and the Department of Justice subpoena.

In advance of the meet and confer, we wanted to raise three issues regarding privilege assertions to see if we might be able to shorten the agenda by getting appropriate relief.

a. There are approximately 60 documents we have identified where materials have been improperly redacted, ostensibly because of Title 13. The relevant provisions of Title 13 are geared to ensure data privacy for individuals. Title 13 protects, at most, the identities of persons and arguably raw Census data reported by or on behalf of individuals. Based on the sample we have reviewed, the redactions we have seen all appear to be of summary statistical conclusions made about aggregated data, which in no way implicate any individuals' privacy. See AR 10509, 10742, 10849, 10975, 11003. We request that the improperly redacted documents be reproduced promptly.

b. We have seen assertions of attorney work product that significantly pre-date the onset of litigation in this matter, and accordingly do not appear to have been prepared in anticipation of litigation. For example, AR 3984 asserts work product over a document sent on August 10, 2017 and AR 2035 asserts work product over a document sent September 7, 2017. We do not see any indicia on the privilege log or production log that any litigation hold notice was ever sent, much less prior to these communications. Can you advise when the earliest litigation hold notice issued by the Department of Commerce was sent and point us to where it can be found in your production? Alternatively, if you conclude that work product was not properly asserted as to these documents, please reproduce the relevant documents.

c. We have seen at least one instance where there has been an attorney-client privilege assertion with regard to communications between a government lawyer and an individual we understand is not a government employee -- A. Mark Neuman. See AR 2051. The other privileges asserted over the document are questionable if Mr. Neuman was not a government employee. If you conclude that this document is not privileged, please reproduce the relevant document.

There are a number of other issues we plan to raise on the meet and confer. But if you are able to address these issues, that will shorten our agenda.

Thanks and best regards,

John

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# **EXHIBIT 24**

**From:** [Freedman, John A.](#)  
**To:** ["Bailey, Kate \(CIV\)"; Ehrlich, Stephen \(CIV\); Federighi, Carol \(CIV\); Eshkenazi, Lara \(USANYS\); Tarczynska, Dominika \(USANYS\); Vargas, Jeannette \(USANYS\); Coyle, Garrett \(CIV\)](#)  
**Cc:** [DHo@aclu.org](#); [SBrannon@aclu.org](#); [PGrossman@nycclu.org](#); [Bauer, Andrew](#); [Colangelo, Matthew](#); [Goldstein, Elena](#); [Saini, Ajay](#)  
**Subject:** State of New York v. Department of Commerce, S.D.N.Y 18-CV-2921; NYIC v. Department of Commerce, S.D.N.Y. 18-CV-5025: Meet and Confer Request  
**Date:** Monday, August 6, 2018 8:37:57 PM

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Counsel --

We are writing to raise several issues with regard to your communications on Friday evening, and to request a meet and confer tomorrow or Wednesday. Tomorrow we are available other than between noon and 3. Wednesday we are available other than between 3 and 4.

1. Department of Justice Production: We received the Department of Justice production late this morning and are still reviewing. While we are reserving all of our rights, your cover letter characterized this as your "first" production. Can you confirm that we will be receiving additional responsive materials from the Department of Justice, and if so, the anticipated timing for these productions?

2. Deposition Dates

a. Department of Justice Depositions

i. John Gore: We requested that you provide dates for John Gore on July 11. On July 18, you committed to get us deposition dates for him and other witnesses "as quickly as we can." Your communication on Friday evening that you would not be producing him is both untimely and improper. Mr. Gore's testimony is, among other things, directly relevant to the question of whether the Commerce-orchestrated, Gore-ghostwritten request for Arthur Gary to submit is pretextual, which is relevant for both the APA and Equal Protection claims.

ii. With regard to your position regarding the Department of Justice 30(b)(6) notice, as we noted, we are evaluating the production we received earlier today. While we are reserving all of our rights, based on our preliminary review, we do not think that the production is sufficient to address the topics we identified in our notice.

And while we acknowledge your objections, we reiterate our request that you, without waiving your objections, that you provide dates of availability for Mr. Gore and your 30(b)(6) notice so that in the event the Court orders their testimony, these can proceed expeditiously.

b. Commerce/Census Depositions

i. This will confirm that we will be taking depositions of Karen Dunn Kelley on August 28 and Earl Comstock on August 30. We will issue notices later this week.

ii. With regard to Ms. Teramoto, on July 11, we requested that you provide all dates of her availability during the month of August, and you previously advised that she was available August 29, 30 or 31. We subsequently advised that we would proceed on August 29. On Friday, you advised that the only date she was available to be deposed was September 7, the date our expert reports are due. Your retraction of a previously agreed upon date in light of the quickly approaching deadlines is both untimely and inappropriate. We would suggest that you revisit this matter with your clients, or we will bring this to the Court's attention.

iii. With regard to the Census Bureau 30(b)(6), to the extent individuals other than Messrs. Abowd or Jarmin will be designated, so that out of town counsel can plan their travel, can you please provide the potential dates when such witnesses will be made available?

3. Continuing Deficiencies in the Commerce/Census Bureau's Supplementation of the Administrative Record:

a. From our discussions during the July 31 meet and confer, we understood the Defendants would be making a supplemental production. At no point did you advise that you would be withholding almost 100 documents on the basis of a purported privilege. The Court did not authorize this untimely log, nor did we consent to it. Our position is that any privilege claim as to any document that was withheld after the Court's July 23 "no further extensions will be granted" order has been waived. These materials should be produced immediately.

b. Even had these privilege assertions been timely, there are a number of privilege assertions on the newest log that are improper on their face. For example, Defendants have withheld a second communication with Marc Neumann on the basis of attorney-client communication [11329-330]. This should be produced immediately. And there is a further work product assertion in July 2017, well before any reasonable anticipation of litigation [11317-18] -- this document should be treated consistently with the materials discussed in Judge Furman's August 4 order.

c. With regard to Mr. Uthmeier's August 11 memo, we do not understand how the failure to produce half a dozen copies of this document [11306, 11342, 11346, 11353, 11363, 12464] can be considered "inadvertent," particularly in light of the Government's insistence during the July 31 meet and confer that it was included in prior productions. This should also be produced immediately.

d. As we noted during the July 31 meet and confer, there continue to be significant gaps in the Administrative Record.

i. We raised specific concerns during the call about the lack of materials prior to December 12, 2017 (as well as prior to May 1, 2017) involving Secretary Ross, Ms. Teramoto, Ms. Alexander, and Messrs. Comstock, Branstad, Hernandez, and Uthmeier.

During the call, you confirmed that you had inquired into whether relevant materials

would be found in Secretary Ross' personal emails, and you agreed to inquire whether the six other officials engaged in communications about this topic through means other than their government emails, e.g., personal emails, text, messaging apps or personal devices, or voicemails. We are still waiting for a report back.

ii. The supplemental production has done nothing to address the gaps in the Administrative Record with regard to the questions we raised concerning Secretary Ross, Ms. Teramoto, Ms. Alexander, and Messrs. Comstock, Branstad, or Hernandez. While the supplemental production does address some of our concerns regarding Mr. Uthmeier, it is apparent that certain of his materials still have not been produced and are not otherwise reflected on any log. For example, we have not found the "review materials" Uthmeier prepared on or around September 5, 2017 [AR 1996-1999], nor do we see any notes or other evidence of his or Peter Davidson's engagement with Marc Neumann on or around September 8 and October 8, 2017 [AR 2051\_001, 2497].

iii. During the July 31 call, we specifically noted the lack of documents reflecting the engagement of either the Departments of Homeland Security or Justice (as referenced in AR 2458 & 9834) as well as key third parties, including Steve Bannon (as referenced in AR 2561 & 763), Kris Kobach (as referenced in AR 763), and Marc Neumann (as referenced in 3699). The new production did not cure these issues.

Additionally, while it is clear that there was stakeholder engagement with Messrs. Kobach and Neumann during the stakeholder engagement process [AR 1141, 1815, 3421, 3491] unlike virtually every other contact during that time, there are no file memos or follow up acknowledgments regarding these contacts.

Each of these issues should be cured immediately.

Please advise when you will be available on Tuesday or Wednesday to meet and confer regarding these issues.

John

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John A. Freedman

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# **EXHIBIT 25**

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**From:** Freedman, John A.  
**Sent:** Thursday, August 9, 2018 9:24 PM  
**To:** 'Ehrlich, Stephen (CIV)'; Goldstein, Elena; zzz.External.DHo@aclu.org; zzz.External.SBrannon@aclu.org; zzz.External.PGrossman@nyclu.org; Bauer, Andrew; Colangelo, Matthew; Saini, Ajay  
**Cc:** Coyle, Garrett (CIV); Federighi, Carol (CIV); Kopplin, Rebecca M. (CIV); Halainen, Daniel J. (CIV); Tomlinson, Martin M. (CIV); Bailey, Kate (CIV)  
**Subject:** RE: State of New York v. Department of Commerce, S.D.N.Y. 18-CV-2921; NYIC v. Department of Commerce, S.D.N.Y. 18-CV-5025: Meet and Confer Request

Stephen --

Per the August 7 email you forwarded below, the Department of Justice offered August 21 for a deposition date for the Census 30(b)(6), and advised that Mr. Jarmin would be put forward as to all topics. We met and conferred with your colleagues yesterday about the timing of Mr. Jarmin's August 21 testimony relative to Mr. Jarmin's personal testimony (which was previously noticed for August 20), and we left things that your colleagues were going to report back on our proposal to do the Census 30(b)(6) on August 20 and Mr. Jarmin in his personal capacity on August 21. As we noted, this would reduce the need for lawyers travelling from out of town to do multiple trips to DC.

At no point did your colleagues or anyone from DoJ suggest that you had objections to any of the deposition topics on the original or amended notice. We note that a substantial number of the topics on the amended notice were also identified on the original notice we served on July 20, subject to the note that we planned to supplement the topics once the Government completed its production of the Administrative Record. We also understand from what your colleagues said yesterday that upon receipt of the July 20 notice, Defendants took no steps to assess the topics or to start to prepare any witness, nor did anything else to start preparing for the 30(b)(6) deposition until the amended notice was served on August 1.

We are, of course, happy to discuss or clarify the topics. So that we can adequately prepare for the meet and confer, would you be so kind as to identify any specific topics to which you have objections, and specify what your objections are? Once we have had a chance to look into these items, we will let you know about timing on a meet and confer. As many of the topics were proposed (pursuant to the coordination procedures) by plaintiffs in the California and Maryland cases, we may need to include those counsel for discussion of specific topics.

There are also a number of other items that your colleagues promised to get back to us on today, including our proposal to do the Census 30(b)(6) on August 20 and Mr. Jarmin on August 21, an update on the DoJ production, and the questions we have raised about the gaps and improper privilege assertions in the supplemental productions. Please advise as to the status of each of those items. As we discussed yesterday, we are ready to bring each of those (and the other issues we discussed yesterday) to the Court for resolution.

Best regards,

John

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**From:** Ehrlich, Stephen (CIV) [mailto:Stephen.Ehrlich@usdoj.gov]

**Sent:** Thursday, August 09, 2018 2:54 PM

**To:** Goldstein, Elena; Freedman, John A.; zzz.External.DHo@aclu.org; zzz.External.SBrannon@aclu.org; zzz.External.PGrossman@nyclu.org; Bauer, Andrew; Colangelo, Matthew; Saini, Ajay

**Cc:** Coyle, Garrett (CIV); Federighi, Carol (CIV); Kopplin, Rebecca M. (CIV); Halainen, Daniel J. (CIV); Tomlinson, Martin M. (CIV); Bailey, Kate (CIV)

**Subject:** RE: State of New York v. Department of Commerce, S.D.N.Y 18-CV-2921; NYIC v. Department of Commerce, S.D.N.Y. 18-CV-5025: Meet and Confer Request

Counsel,

With respect to the final Census 30(b)(6) Deposition Notice, which was served on August 2, 2018, Defendants will be prepared to meet and confer on the noticed topics on or before August 15, 2018—*i.e.*, the noticed deposition date. We find the topics included in the Notice to be extraordinarily broad and we have a number of questions regarding the scope of certain topics. As a result, the Notice presents an undue burden on our ability to reasonably prepare the Census Bureau's designee(s). Unless and until we have agreement on scope, we are not in a position to assess the number or identity of our designee(s), appropriately prepare one or more of them to testify, or to agree to a date when such a deposition can occur. If we are unable to reach agreement as to the scope of the 30(b)(6) deposition, we are prepared to seek relief from the court.

Best,

Stephen Ehrlich

Trial Attorney

U.S. Department of Justice

Civil Division | Federal Programs Branch

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---

**From:** Goldstein, Elena [mailto:Elena.Goldstein@ag.ny.gov]

**Sent:** Wednesday, August 08, 2018 10:32 AM

**To:** Bailey, Kate (CIV) ; [John.Freedman@arnoldporter.com](mailto:John.Freedman@arnoldporter.com); [DHo@aclu.org](mailto:DHo@aclu.org); [SBrannon@aclu.org](mailto:SBrannon@aclu.org); [PGrossman@nyclu.org](mailto:PGrossman@nyclu.org); Bauer, Andrew ; Colangelo, Matthew ; Saini, Ajay

**Cc:** Ehrlich, Stephen (CIV) ; Coyle, Garrett (CIV) ; Federighi, Carol (CIV) ; Kopplin, Rebecca M. (CIV) ; Halainen, Daniel J. (CIV) ; Tomlinson, Martin M. (CIV)

**Subject:** RE: State of New York v. Department of Commerce, S.D.N.Y 18-CV-2921; NYIC v. Department of Commerce, S.D.N.Y. 18-CV-5025: Meet and Confer Request

Counsel:

We write to (1) respond to Defendants' proposal regarding Dr. Jarmin's testimony, (2) raise questions regarding Defendants' August 7 discovery letter, and (3) serve several notices of deposition, attached.

First, with respect to point three below, we cannot agree to the schedule that you propose for Dr. Jarmin's testimony. In reliance on Defendants' prior representations regarding dates, counsel have made travel

arrangements that cannot be adjusted to accommodate a deposition on August 17<sup>th</sup>. Defendants have made clear that Dr. Jarmin is available on August 20 and 21. Given that Plaintiffs have been attempting to confirm deposition dates since mid-July, it is unreasonable for Defendants to refuse to produce Dr. Jarmin on August 20 and 21. Likewise, given the parties' expert schedule, it is unreasonable to move Dr. Jarmin's deposition until September 4; Plaintiffs will not consent to extend those deadlines for the reasons previously given. Moreover, as counsel will be traveling from California for these depositions, and particularly given that Dr. Jarmin is available on consecutive days, Defendants should produce him for these dates. Plaintiffs have also made clear that we intend to take the 30(b)(6) deposition prior to the fact deposition. To the extent that Defendants are unwilling to produce Dr. Jarmin for testimony on the August 20 (as a 30(b)(6)) and 21 (as a fact deponent), Plaintiffs will seek expedited relief from the Court.

Second, with regard to the discovery letter you filed yesterday, with respect to the documents as to which Dr. Abowd believes Title 13 does not apply (as identified in para.25), kindly produce unredacted copies of those documents within 24 hours.

In addition, can you confirm that none of the documents withheld on Title 13 grounds have undergone review by the Disclosure Review Board to date? The declaration from Dr. Abowd filed with your discovery letter describes the process that the Disclosure Review Board follows, but does not assert that any of the records redacted on Title 13 grounds have undergone DRB Review. And, the document titled "DAO checklist for documents at Bates Nos. 10357-11026 in Supplemental Production – 7.3.18 Court Order – Batch 2," posted on the Commerce Department's Electronic FOIA Library at this [link](#), states that DRB Review was bypassed for these records.

Separately, can you advise as to Defendants' position regarding documents 10385, 10407, 10530, 10849, and 10913? These documents were redacted pursuant to Title 13 as per your privilege log, but are is not listed in paragraph 24 of Dr. Abowd's declaration (documents that he believes are subject to Title 13), or in paragraph 25 of the declaration (documents as to which it appears the defendants no longer assert any Title 13 protections). Before we discuss these matters with the Court, we would appreciate clarification whether you are withdrawing the Title 13 redactions as to documents 10385, 10407, 10530, 10849, and 10913.

Thank you,

Elena

**Elena Goldstein | Senior Trial Counsel**

Civil Rights Bureau

New York State Office of the Attorney General

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---

**From:** Bailey, Kate (CIV) <[Kate.Bailey@usdoj.gov](mailto:Kate.Bailey@usdoj.gov)>

**Sent:** Tuesday, August 7, 2018 7:10 PM

**To:** [John.Freedman@arnoldporter.com](mailto:John.Freedman@arnoldporter.com); [DHo@aclu.org](mailto:DHo@aclu.org); [SBrannon@aclu.org](mailto:SBrannon@aclu.org); [PGrossman@nyclu.org](mailto:PGrossman@nyclu.org); Bauer, Andrew <[Andrew.Bauer@arnoldporter.com](mailto:Andrew.Bauer@arnoldporter.com)>; Colangelo, Matthew <[Matthew.Colangelo@ag.ny.gov](mailto:Matthew.Colangelo@ag.ny.gov)>; Goldstein, Elena

<[Elena.Goldstein@ag.ny.gov](mailto:Elena.Goldstein@ag.ny.gov)>; Saini, Ajay <[Ajay.Saini@ag.ny.gov](mailto:Ajay.Saini@ag.ny.gov)>

Cc: Ehrlich, Stephen (CIV) <[Stephen.Ehrlich@usdoj.gov](mailto:Stephen.Ehrlich@usdoj.gov)>; Coyle, Garrett (CIV) <[Garrett.Coyle@usdoj.gov](mailto:Garrett.Coyle@usdoj.gov)>; Federighi, Carol (CIV) <[Carol.Federighi@usdoj.gov](mailto:Carol.Federighi@usdoj.gov)>; Kopplin, Rebecca M. (CIV) <[Rebecca.M.Kopplin@usdoj.gov](mailto:Rebecca.M.Kopplin@usdoj.gov)>; Halainen, Daniel J. (CIV) <[Daniel.J.Halainen@usdoj.gov](mailto:Daniel.J.Halainen@usdoj.gov)>; Tomlinson, Martin M. (CIV) <[Martin.M.Tomlinson@usdoj.gov](mailto:Martin.M.Tomlinson@usdoj.gov)>

**Subject:** RE: State of New York v. Department of Commerce, S.D.N.Y 18-CV-2921; NYIC v. Department of Commerce, S.D.N.Y. 18-CV-5025: Meet and Confer Request

Counsel—

We are available for a meet and confer at 4:30 pm tomorrow, Wednesday, August 8<sup>th</sup>.

1. Regarding the Department of Justice production, we have collected approximately 4,000 documents and are in the process of reviewing those materials for responsiveness, relevance, and privilege. We will produce any non-privileged responsive documents as expeditiously as possible. Please note, however, that this review and all review in response to your document requests is completed by trial counsel and this review must take place alongside other obligations in this and other cases.
2. As previously indicated, Ms. Teramoto is no longer available on August 29<sup>th</sup>, but we have been able to secure availability for her on August 24<sup>th</sup> in New York City. We trust this earlier date will be acceptable to you; please let us know as quickly as possible if that is not the case.
3. We will be designating Dr. Jarmin as the census 30(b)(6) designee. In order to allow us to reasonably prepare him to testify about the 26 broad topics you have noticed, we propose moving Dr. Jarmin's fact deposition from 8/20 to 8/17 and conducting the 30(b)(6) deposition on 8/21. It will not be possible to properly prepare Dr. Jarmin to sit on consecutive days as a fact and 30(b)(6) deponent, particularly in light of the recency of your final deposition notice. We believe this slight scheduling adjustment will best accommodate your request to move quickly to schedule the 30(b)(6) while allowing us adequate preparation time. If you are unwilling to make this modification, the 30(b)(6) deposition will need to be scheduled after Labor Day, due to Dr. Jarmin's previously scheduled vacation. Should you prefer this option, we invite you to reconsider our proposal that both sides' expert report deadlines be pushed back three weeks.
4. Please find attached Defendants' First Requests for Production.

We will address your other concerns on tomorrow's call.

**Kate Bailey**

Trial Attorney

United States Department of Justice

Civil Division – Federal Programs Branch

20 Massachusetts Avenue, NW

Room 7214

Washington, D.C. 20530

202.514.9239 | [kate.bailey@usdoj.gov](mailto:kate.bailey@usdoj.gov)

---

**From:** Freedman, John A. [<mailto:John.Freedman@arnoldporter.com>]

**Sent:** Monday, August 06, 2018 8:38 PM

**To:** Bailey, Kate (CIV) <[katbaile@CIV.USDOJ.GOV](mailto:katbaile@CIV.USDOJ.GOV)>; Ehrlich, Stephen (CIV) <[sehrlich@CIV.USDOJ.GOV](mailto:sehrlich@CIV.USDOJ.GOV)>; Federighi, Carol (CIV) <[CFederig@CIV.USDOJ.GOV](mailto:CFederig@CIV.USDOJ.GOV)>; Eshkenazi, Lara (USANYS) <[Lara.Eshkenazi@usdoj.gov](mailto:Lara.Eshkenazi@usdoj.gov)>; Tarczynska, Dominika (USANYS) <[Dominika.Tarczynska@usdoj.gov](mailto:Dominika.Tarczynska@usdoj.gov)>; Vargas, Jeannette (USANYS) <[Jeannette.Vargas@usdoj.gov](mailto:Jeannette.Vargas@usdoj.gov)>; Coyle, Garrett (CIV) <[gcoyle@CIV.USDOJ.GOV](mailto:gcoyle@CIV.USDOJ.GOV)>

**Cc:** [DHo@aclu.org](mailto:DHo@aclu.org); [SBrannon@aclu.org](mailto:SBrannon@aclu.org); [PGrossman@nyclu.org](mailto:PGrossman@nyclu.org); Bauer, Andrew <[Andrew.Bauer@arnoldporter.com](mailto:Andrew.Bauer@arnoldporter.com)>; Colangelo, Matthew <[Matthew.Colangelo@ag.ny.gov](mailto:Matthew.Colangelo@ag.ny.gov)>; Goldstein, Elena <[Elena.Goldstein@ag.ny.gov](mailto:Elena.Goldstein@ag.ny.gov)>; Saini, Ajay

<[Ajay.Saini@ag.ny.gov](mailto:Ajay.Saini@ag.ny.gov)>

**Subject:** State of New York v. Department of Commerce, S.D.N.Y 18-CV-2921; NYIC v. Department of Commerce, S.D.N.Y. 18-CV-5025: Meet and Confer Request

Counsel --

We are writing to raise several issues with regard to your communications on Friday evening, and to request a meet and confer tomorrow or Wednesday. Tomorrow we are available other than between noon and 3. Wednesday we are available other than between 3 and 4.

1. Department of Justice Production: We received the Department of Justice production late this morning and are still reviewing. While we are reserving all of our rights, your cover letter characterized this as your “first” production. Can you confirm that we will be receiving additional responsive materials from the Department of Justice, and if so, the anticipated timing for these productions?

## 2. Deposition Dates

### a. Department of Justice Depositions

i. John Gore: We requested that you provide dates for John Gore on July 11. On July 18, you committed to get us deposition dates for him and other witnesses “as quickly as we can.” Your communication on Friday evening that you would not be producing him is both untimely and improper. Mr. Gore’s testimony is, among other things, directly relevant to the question of whether the Commerce-orchestrated, Gore-ghostwritten request for Arthur Gary to submit is pretextual, which is relevant for both the APA and Equal Protection claims.

ii. With regard to your position regarding the Department of Justice 30(b)(6) notice, as we noted, we are evaluating the production we received earlier today. While we are reserving all of our rights, based on our preliminary review, we do not think that the production is sufficient to address the topics we identified in our notice.

And while we acknowledge your objections, we reiterate our request that you, without waiving your objections, that you provide dates of availability for Mr. Gore and your 30(b)(6) notice so that in the event the Court orders their testimony, these can proceed expeditiously.

### b. Commerce/Census Depositions

i. This will confirm that we will be taking depositions of Karen Dunn Kelley on August 28 and Earl Comstock on August 30. We will issue notices later this week.

ii. With regard to Ms. Teramoto, on July 11, we requested that you provide all dates of her availability during the month of August, and you previously advised that she was available August 29, 30 or 31. We subsequently advised that we would proceed on August 29. On Friday, you advised that the only date she was available to be deposed was September 7, the date our expert reports are due. Your retraction of a previously agreed upon date in light of the quickly approaching deadlines is both untimely and inappropriate. We would suggest that you revisit this matter with your clients, or we will bring this to the Court’s attention.

iii. With regard to the Census Bureau 30(b)(6), to the extent individuals other than Messrs. Abowd or Jarmin will be designated, so that out of town counsel can plan their travel, can you please provide the potential dates when such witnesses will be made available?

## 3. Continuing Deficiencies in the Commerce/Census Bureau’s Supplementation of the Administrative Record:

a. From our discussions during the July 31 meet and confer, we understood the Defendants would be making a supplemental production. At no point did you advise that you would be withholding almost 100 documents on the basis of a purported privilege. The Court did not authorize this untimely log, nor did we consent to it. Our position is that any privilege claim as to any document that was withheld after the Court's July 23 "no further extensions will be granted" order has been waived. These materials should be produced immediately.

b. Even had these privilege assertions been timely, there are a number of privilege assertions on the newest log that are improper on their face. For example, Defendants have withheld a second communication with Marc Neumann on the basis of attorney-client communication [11329-330]. This should be produced immediately. And there is a further work product assertion in July 2017, well before any reasonable anticipation of litigation [11317-18] -- this document should be treated consistently with the materials discussed in Judge Furman's August 4 order.

c. With regard to Mr. Uthmeier's August 11 memo, we do not understand how the failure to produce half a dozen copies of this document [11306, 11342, 11346, 11353, 11363, 12464] can be considered "inadvertent," particularly in light of the Government's insistence during the July 31 meet and confer that it was included in prior productions. This should also be produced immediately.

d. As we noted during the July 31 meet and confer, there continue to be significant gaps in the Administrative Record.

i. We raised specific concerns during the call about the lack of materials prior to December 12, 2017 (as well as prior to May 1, 2017) involving Secretary Ross, Ms. Teramoto, Ms. Alexander, and Messrs. Comstock, Branstad, Hernandez, and Uthmeier.

During the call, you confirmed that you had inquired into whether relevant materials would be found in Secretary Ross' personal emails, and you agreed to inquire whether the six other officials engaged in communications about this topic through means other than their government emails, e.g., personal emails, text, messaging apps or personal devices, or voicemails. We are still waiting for a report back.

ii. The supplemental production has done nothing to address the gaps in the Administrative Record with regard to the questions we raised concerning Secretary Ross, Ms. Teramoto, Ms. Alexander, and Messrs. Comstock, Branstad, or Hernandez. While the supplemental production does address some of our concerns regarding Mr. Uthmeier, it is apparent that certain of his materials still have not been produced and are not otherwise reflected on any log. For example, we have not found the "review materials" Uthmeier prepared on or around September 5, 2017 [AR 1996-1999], nor do we see any notes or other evidence of his or Peter Davidson's engagement with Marc Neumann on or around September 8 and October 8, 2017 [AR 2051\_001, 2497].

iii. During the July 31 call, we specifically noted the lack of documents reflecting the engagement of either the Departments of Homeland Security or Justice (as referenced in AR 2458 & 9834) as well as key third parties, including Steve Bannon (as referenced in AR 2561 & 763), Kris Kobach (as referenced in AR 763), and Marc Neumann (as referenced in 3699). The new production did not cure these issues.

Additionally, while it is clear that there was stakeholder engagement with Messrs. Kobach and Neumann during the stakeholder engagement process [AR 1141, 1815, 3421, 3491] unlike virtually every other contact during that time, there are no file memos or follow up acknowledgments regarding these contacts.

Each of these issues should be cured immediately.

Please advise when you will be available on Tuesday or Wednesday to meet and confer regarding these issues.

John

---

John A. Freedman  
**Arnold & Porter**  
601 Massachusetts Avenue, NW  
Washington, DC 20001

Office: +1 202.942.5316  
[john.freedman@arnoldporter.com](mailto:john.freedman@arnoldporter.com)  
[www.arnoldporter.com](http://www.arnoldporter.com)

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# **EXHIBIT 26**

A-18

“RE Did you see Hannity.msg”

## Strickland, Shemaiah

---

**From:** christa jones <xtahonez@hotmail.com>  
**Sent:** Saturday, February 6, 2010 9:28 AM  
**To:** Tom Hofeller  
**Subject:** RE: Did you see Hannity?

We estimate every percentage point in the response rate is worth about \$80-90 million--that's a soft number though, we're trying to recalculate. That's about one million or so households.

Christa D Jones Washington, DC

---

**From:** celticheal@aol.com  
**To:** xtahonez@hotmail.com  
**Subject:** RE: Did you see Hannity?  
**Date:** Fri, 5 Feb 2010 20:01:38 -0500

So how many extra questionnaires would have to be answered to make this ad worthwhile?

**From:** christa jones [mailto:xtahonez@hotmail.com]  
**Sent:** Friday, February 05, 2010 6:42 PM  
**To:** Tom Hofeller; Tom Hofeller  
**Subject:** Did you see Hannity?

<http://www.foxnews.com/story/0,2933,584929,00.html>

They could really hurt the census. What do you think?

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Your E-mail and More On-the-Go. Get Windows Live Hotmail Free. Sign up now.  
<<http://clk.atdmt.com/GBL/go/201469229/direct/01/>>

=

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Hotmail: Trusted email with powerful SPAM protection. Sign up now.  
<<http://clk.atdmt.com/GBL/go/201469227/direct/01/>>

=

A-19

“RE Redistricting Article.msg”

**Strickland, Shemaiah**

---

**From:** Michael Smith <smithmichl@majorityamerica.net>  
**Sent:** Thursday, January 7, 2010 8:28 PM  
**To:** 'Tom Hofeller - Redistricting'; celticheal@aol.com  
**Cc:** ncs-va@msn.com; chapin.fay@mail.house.gov; charlie.black@bksh.com; chip.Lake@mail.house.gov; chip\_lake@bellsouth.net; xtahonez@hotmail.com; davella@gopac.org; dwinston@winstongroup.net  
**Subject:** RE: Redistricting Article

I can live with it.

M

---

**From:** Tom Hofeller - Redistricting [mailto:thofeller@rnchq.org]  
**Sent:** Thursday, January 07, 2010 11:49 AM  
**To:** celticheal@aol.com  
**Cc:** ncs-va@msn.com; chapin.fay@mail.house.gov; charlie.black@bksh.com; chip.Lake@mail.house.gov; chip\_lake@bellsouth.net; xtahonez@hotmail.com; davella@gopac.org; dwinston@winstongroup.net  
**Subject:** Redistricting Article

FYI. A little slanted, but it touches many of the bases.

Thomas B Hofeller  
Redistricting Consultant  
Office (202) 863-8816  
Cell (703) 623-0764

A-20

“Fw 2010 Census -- Myths and Misconceptions.msg”

## Strickland, Shemaiah

---

**From:** christa.d.jones@census.gov  
**Sent:** Friday, March 19, 2010 11:07 AM  
**To:** amarkneu@aol.com; celticheal@aol.com  
**Subject:** Fw: 2010 Census -- Myths and Misconceptions

FYI...

----- Forwarded by Christa D Jones/DMD/HQ/BOC on 03/19/2010 11:05 AM -----

**From:** Burton H Reist/DIR/HQ/BOC  
**To:** "Stephen Buckner" <stephen.l.buckner@census.gov>, Angela M Manso/CAO/HQ/BOC@BOC, Michele H Lowe/PIO/HQ/BOC@BOC, "Stuart Durst" <stuart.p.durst.jr@census.gov>, James L Dinwiddie/DMD/HQ/BOC@BOC, "Christa Jones" <christa.d.jones@census.gov>  
**Date:** 03/19/2010 10:48 AM  
**Subject:** 2010 Census -- Myths and Misconceptions

---

Please forward to stakeholders as appropriate. . .

The 2010 Census is now in full gear. As with any operation this large, there is bound to be misleading information circulated about nature and goals of the endeavor. Your office or your constituents may be receiving emails or inquiries about misconceptions on the Census.

The independent website Factcheck.org , has today posted a point by point rebuttal of this video. I draw your attention to it as it represents an independent defense of the Census Bureau and a comprehensive explanation of the 2010 Census, and its relationship with the other surveys conducted by the Census Bureau. This post is helpful in debunking many of the myths about the Census currently making the rounds, and I urge you to share it with your stakeholders and constituents.

<http://factcheck.org/2010/03/census-nonsense/> <<http://factcheck.org/2010/03/census-nonsense/>>

You may also find the blog of Census Director Robert Groves on our website useful to answer other questions. You can find it on our homepage at [www.2010census.gov](http://www.2010census.gov).

Additionally, you may be hearing questions about the constitutional origins of the census or where in law the census questionnaire is authorized. For more information on these questions, we have created a page on our website here:

<http://2010.census.gov/2010census/why/constitutional.php>  
<<http://2010.census.gov/2010census/why/constitutional.php>>



A-21

“Fwd FR Notice.msg”

## Strickland, Shemaiah

---

**From:** Christa Jones <xtadjones@hotmail.com>  
**Sent:** Wednesday, January 7, 2015 9:04 AM  
**To:** Tom Hofeller  
**Subject:** Fwd: FR Notice

This can also be an opportunity to mention citizenship as well.

Sent from my iPhone

Begin forwarded message:

> From: Christa D Jones <xtadjones@hotmail.com>  
> Date: January 6, 2015 at 2:47:15 PM EST  
> To: Tom Hofeller - Hofeller <celticheal@aol.com>  
> Subject: FR Notice  
>  
> The notice ends on 2/27. Public comments highly useful in this context.  
>  
> <https://federalregister.gov/a/2014-28247>  
>

A-22

“Reservation at Ramparts Tavern.msg”

## Strickland, Shemaiah

---

**From:** Christa Jones <xtadjones@hotmail.com>  
**Sent:** Friday, April 24, 2015 11:32 AM  
**To:** Tom Hofeller  
**Subject:** Reservation at Ramparts Tavern

Let's eat! I reserved a table for 3 at Ramparts Tavern.

**When:**  
Friday, April 24 at 6:30 PM

**Address:**  
1700 Fern Street  
Alexandria, VA, 22302  
[Get directions](#)

This reservation was made through OpenTable. Download the free iPhone app.

Sent from my iPhone

# **EXHIBIT 27**

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

3 -----  
NEW YORK IMMIGRATION COALITION, ET AL.,

4 Plaintiffs,

5 vs. Case No. 1:18-CF-05025-JMF

6 UNITED STATES DEPARTMENT OF COMMERCE, ET AL.,

7 Defendants.  
8 -----

9 Washington, D.C.

10 Wednesday, August 15, 2018

11 Deposition of:

12 DR. JOHN ABOWD

13 called for oral examination by counsel for  
14 Plaintiffs, pursuant to notice, at the office of  
15 Arnold & Porter, 601 Massachusetts Avenue NW,  
16 Washington, D.C., before KAREN LYNN JORGENSEN,  
17 RPR, CSR, CCR of Capital Reporting Company,  
18 beginning at 9:08 a.m., when were present on  
19 behalf of the respective parties:  
20  
21  
22

1 original memo using the word burden and us  
2 pointing out that the word burden had a very  
3 technical meaning in the survey world that wasn't  
4 supported by his statements. So he changed to  
5 imposition -- this is my recollection -- so in any  
6 event, I don't know what the technical definition  
7 of the imposition is.

8 If I translate it to burden, then I don't  
9 agree with either -- either sentence. So I think  
10 the Secretary was trying to express an overall  
11 judgment about the consequences of the questions  
12 for these two subpopulations, but I can't go any  
13 further than that in interpreting his words for  
14 you.

15 Q Were the comments that you and your  
16 colleagues provided on this memo, was that done in  
17 writing?

18 A There were no email correspondences.  
19 There was no one on the phone, that I recall. The  
20 answers were -- the suggestions were communicated  
21 back by Ron and Christa. I think primarily by  
22 Christa Jones. I don't know what -- what she used

1 to do that.

2 Q And who else participated with you in --  
3 among the census team in providing the comments?

4 A So in the room or on the phone,  
5 Enrique Lamas, Ron Jarmin, Christa Jones, myself.  
6 I believe that Al Fontenot, F-O-N-T-E-N-O-T, the  
7 associate director for the 2020 census was there  
8 all day or most of the day. And Tori Velkoff was  
9 on the phone and sometimes in the room. I think  
10 she was usually in the room. And our various  
11 staff members we called if we needed a  
12 clarification on a statistic that we had not  
13 previously supplied the Secretary.

14 Q And were you discussing this directly  
15 with anybody from Commerce --

16 A No.

17 Q -- or was it --

18 A Sorry.

19 Q -- Christa was the intermediary?

20 A To the best of my knowledge, Christa was  
21 the intermediary.

22 Q Just on the observations about census



# **EXHIBIT 28**

---

**From:** Ehrlich, Stephen (CIV) <Stephen.Ehrlich@usdoj.gov>  
**Sent:** Friday, August 10, 2018 10:18 PM  
**To:** Freedman, John A.; Goldstein, Elena; zzz.External.DHo@aclu.org; zzz.External.SBrannon@aclu.org; zzz.External.PGrossman@nyclu.org; Bauer, Andrew; Colangelo, Matthew; Saini, Ajay  
**Cc:** Coyle, Garrett (CIV); Federighi, Carol (CIV); Kopplin, Rebecca M. (CIV); Halainen, Daniel J. (CIV); Tomlinson, Martin M. (CIV); Bailey, Kate (CIV)  
**Subject:** RE: State of New York v. Department of Commerce, S.D.N.Y 18-CV-2921; NYIC v. Department of Commerce, S.D.N.Y. 18-CV-5025: Meet and Confer Request

John,

With respect to the Census Rule 30(b)(6) deposition, we have questions on, and/or objections to, Topics 1-5, 11, 12, 15, 18, and 20. We may have objections or questions on other topics as we continue to review, but hopefully we can narrow, if not eliminate, any disputes concerning the proposed topics during a meet and confer. As for the designee, upon further review, we have decided to designate Dr. John Abowd as Census's sole Rule 30(b)(6) designee. Although Dr. Abowd is out of the country the week of August 20, he is otherwise generally available for deposition at a mutually convenient date. Also, it is likely that Dr. Abowd will be able to answer the vast majority of the Rule 30(b)(6) topics in his individual capacity during Wednesday's deposition.

We also wanted to respond to several issues you raised regarding our document productions after Wednesday's meet and confer. Regarding Doc # 11329, we will agree to withdraw the assertion of attorney-client privilege and produce that document with personally identifiable information redacted. Regarding your challenge to the absence in the record of early 2017 communications with Kris Kobach or Steve Bannon and between Peter Davidson and Mark Neumann, we have confirmed with our client that no additional materials on this topic exist. With regard to the issue you raised about custodians abiding by the Department's policy on use of personal devices or accounts to conduct agency matters, our preliminary understanding is that no custodians have responsive documents or communications that were not also present in their government email addresses. However, we will be in a position to give you a conclusive position on Monday.

Best,

Stephen Ehrlich  
Trial Attorney  
U.S. Department of Justice  
Civil Division | Federal Programs Branch  
202-305-9803 | stephen.ehrlich@usdoj.gov

---

**From:** Freedman, John A. [mailto:John.Freedman@arnoldporter.com]  
**Sent:** Thursday, August 09, 2018 9:24 PM  
**To:** Ehrlich, Stephen (CIV) ; Goldstein, Elena ; DHo@aclu.org; SBrannon@aclu.org; PGrossman@nyclu.org; Bauer, Andrew ; Colangelo, Matthew ; Saini, Ajay  
**Cc:** Coyle, Garrett (CIV) ; Federighi, Carol (CIV) ; Kopplin, Rebecca M. (CIV) ; Halainen, Daniel J. (CIV) ; Tomlinson, Martin M. (CIV) ; Bailey, Kate (CIV)  
**Subject:** RE: State of New York v. Department of Commerce, S.D.N.Y 18-CV-2921; NYIC v. Department of Commerce, S.D.N.Y. 18-CV-5025: Meet and Confer Request

Stephen --

Per the August 7 email you forwarded below, the Department of Justice offered August 21 for a deposition date for the Census 30(b)(6), and advised that Mr. Jarmin would be put forward as to all topics. We met and conferred with your colleagues yesterday about the timing of Mr. Jarmin's August 21 testimony relative to Mr. Jarmin's personal testimony (which was previously noticed for August 20), and we left things that your colleagues were going to report back on our proposal to do the Census 30(b)(6) on August 20 and Mr. Jarmin in his personal capacity on August 21. As we noted, this would reduce the need for lawyers travelling from out of town to do multiple trips to DC.

At no point did your colleagues or anyone from DOJ suggest that you had objections to any of the deposition topics on the original or amended notice. We note that a substantial number of the topics on the amended notice were also identified on the original notice we served on July 20, subject to the note that we planned to supplement the topics once the Government completed its production of the Administrative Record. We also understand from what your colleagues said yesterday that upon receipt of the July 20 notice, Defendants took no steps to assess the topics or to start to prepare any witness, nor did anything else to start preparing for the 30(b)(6) deposition until the amended notice was served on August 1.

We are, of course, happy to discuss or clarify the topics. So that we can adequately prepare for the meet and confer, would you be so kind as to identify any specific topics to which you have objections, and specify what your objections are? Once we have had a chance to look into these items, we will let you know about timing on a meet and confer. As many of the topics were proposed (pursuant to the coordination procedures) by plaintiffs in the California and Maryland cases, we may need to include those counsel for discussion of specific topics.

There are also a number of other items that your colleagues promised to get back to us on today, including our proposal to do the Census 30(b)(6) on August 20 and Mr. Jarmin on August 21, an update on the DOJ production, and the questions we have raised about the gaps and improper privilege assertions in the supplemental productions. Please advise as to the status of each of those items. As we discussed yesterday, we are ready to bring each of those (and the other issues we discussed yesterday) to the Court for resolution.

Best regards,

John

---

John A. Freedman

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601 Massachusetts Ave., NW  
Washington | District of Columbia 20001-3743  
T: +1 202.942.5316  
[John.Freedman@arnoldporter.com](mailto:John.Freedman@arnoldporter.com) | [www.arnoldporter.com](http://www.arnoldporter.com)

---

**From:** Ehrlich, Stephen (CIV) [<mailto:Stephen.Ehrlich@usdoj.gov>]

**Sent:** Thursday, August 09, 2018 2:54 PM

**To:** Goldstein, Elena; Freedman, John A.; [zzz.External.DHo@aclu.org](mailto:zzz.External.DHo@aclu.org); [zzz.External.SBrannon@aclu.org](mailto:zzz.External.SBrannon@aclu.org); [zzz.External.PGrossman@nyclu.org](mailto:zzz.External.PGrossman@nyclu.org); Bauer, Andrew; Colangelo, Matthew; Saini, Ajay

**Cc:** Coyle, Garrett (CIV); Federighi, Carol (CIV); Kopplin, Rebecca M. (CIV); Halainen, Daniel J. (CIV); Tomlinson, Martin M. (CIV); Bailey, Kate (CIV)

**Subject:** RE: State of New York v. Department of Commerce, S.D.N.Y 18-CV-2921; NYIC v. Department of Commerce, S.D.N.Y. 18-CV-5025: Meet and Confer Request

Counsel,

With respect to the final Census 30(b)(6) Deposition Notice, which was served on August 2, 2018, Defendants will be prepared to meet and confer on the noticed topics on or before August 15, 2018—*i.e.*, the noticed deposition date. We find the topics included in the Notice to be extraordinarily broad and we have a number of questions regarding the scope of certain topics. As a result, the Notice presents an undue burden on our ability to reasonably prepare the Census Bureau's designee(s). Unless and until we have agreement on scope, we are not in a position to assess the number or identity of our designee(s), appropriately prepare one or more of them to testify, or to agree to a date when such a deposition can occur. If we are unable to reach agreement as to the scope of the 30(b)(6) deposition, we are prepared to seek relief from the court.

Best,

Stephen Ehrlich  
Trial Attorney  
U.S. Department of Justice  
Civil Division | Federal Programs Branch  
202-305-9803 | stephen.ehrlich@usdoj.gov

---

**From:** Goldstein, Elena [<mailto:Elena.Goldstein@ag.ny.gov>]

**Sent:** Wednesday, August 08, 2018 10:32 AM

**To:** Bailey, Kate (CIV) <[katbaile@CIV.USDOJ.GOV](mailto:katbaile@CIV.USDOJ.GOV)>; John.Freedman@arnoldporter.com; DHo@aclu.org; SBrannon@aclu.org; PGrossman@nyclu.org; Bauer, Andrew <[Andrew.Bauer@arnoldporter.com](mailto:Andrew.Bauer@arnoldporter.com)>; Colangelo, Matthew <[Matthew.Colangelo@ag.ny.gov](mailto:Matthew.Colangelo@ag.ny.gov)>; Saini, Ajay <[Ajay.Saini@ag.ny.gov](mailto:Ajay.Saini@ag.ny.gov)>

**Cc:** Ehrlich, Stephen (CIV) <[sehrlich@CIV.USDOJ.GOV](mailto:sehrlich@CIV.USDOJ.GOV)>; Coyle, Garrett (CIV) <[gcoyle@CIV.USDOJ.GOV](mailto:gcoyle@CIV.USDOJ.GOV)>; Federighi, Carol (CIV) <[CFederig@CIV.USDOJ.GOV](mailto:CFederig@CIV.USDOJ.GOV)>; Kopplin, Rebecca M. (CIV) <[rkopplin@CIV.USDOJ.GOV](mailto:rkopplin@CIV.USDOJ.GOV)>; Halainen, Daniel J. (CIV) <[dhalaine@CIV.USDOJ.GOV](mailto:dhalaine@CIV.USDOJ.GOV)>; Tomlinson, Martin M. (CIV) <[mtomlins@CIV.USDOJ.GOV](mailto:mtomlins@CIV.USDOJ.GOV)>

**Subject:** RE: State of New York v. Department of Commerce, S.D.N.Y 18-CV-2921; NYIC v. Department of Commerce, S.D.N.Y. 18-CV-5025: Meet and Confer Request

Counsel:

We write to (1) respond to Defendants' proposal regarding Dr. Jarmin's testimony, (2) raise questions regarding Defendants' August 7 discovery letter, and (3) serve several notices of deposition, attached.

First, with respect to point three below, we cannot agree to the schedule that you propose for Dr. Jarmin's testimony. In reliance on Defendants' prior representations regarding dates, counsel have made travel arrangements that cannot be adjusted to accommodate a deposition on August 17<sup>th</sup>. Defendants have made clear that Dr. Jarmin is available on August 20 and 21. Given that Plaintiffs have been attempting to confirm deposition dates since mid-July, it is unreasonable for Defendants to refuse to produce Dr. Jarmin on August 20 and 21. Likewise, given the parties' expert schedule, it is unreasonable to move Dr. Jarmin's deposition until September 4; Plaintiffs will not consent to extend those deadlines for the reasons previously given. Moreover, as counsel will be traveling from California for these depositions, and particularly given that Dr. Jarmin is available on consecutive days, Defendants should produce him for these dates. Plaintiffs have also made clear that we intend to take the 30(b)(6) deposition prior to the fact deposition. To the extent that Defendants are unwilling to produce Dr. Jarmin for testimony on the August 20 (as a 30(b)(6)) and 21 (as a fact deponent), Plaintiffs will seek expedited relief from the Court.

Second, with regard to the discovery letter you filed yesterday, with respect to the documents as to which Dr. Abowd believes Title 13 does not apply (as identified in para.25), kindly produce unredacted copies of those documents within 24 hours.

In addition, can you confirm that none of the documents withheld on Title 13 grounds have undergone review by the Disclosure Review Board to date? The declaration from Dr. Abowd filed with your discovery letter describes the process that the Disclosure Review Board follows, but does not assert that any of the records redacted on Title 13 grounds have undergone DRB Review. And, the document titled "DAO checklist for documents at Bates Nos. 10357-11026 in Supplemental Production – 7.3.18 Court Order – Batch 2," posted on the Commerce Department's Electronic FOIA Library at this [link](#), states that DRB Review was bypassed for these records.

Separately, can you advise as to Defendants' position regarding documents 10385, 10407, 10530, 10849, and 10913? These documents were redacted pursuant to Title 13 as per your privilege log, but are is not listed in paragraph 24 of Dr. Abowd's declaration (documents that he believes are subject to Title 13), or in paragraph 25 of the declaration (documents as to which it appears the defendants no longer assert any Title 13 protections). Before we discuss these matters with the Court, we would appreciate clarification whether you are withdrawing the Title 13 redactions as to documents 10385, 10407, 10530, 10849, and 10913.

Thank you,

Elena

**Elena Goldstein | Senior Trial Counsel**

Civil Rights Bureau

New York State Office of the Attorney General

28 Liberty Street, 20<sup>th</sup> Floor | New York, New York 10005

Tel: (212) 416-6201 | Fax: (212) 416-6030 | [elena.goldstein@ag.ny.gov](mailto:elena.goldstein@ag.ny.gov) | [www.ag.ny.gov](http://www.ag.ny.gov)

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**From:** Bailey, Kate (CIV) <[Kate.Bailey@usdoj.gov](mailto:Kate.Bailey@usdoj.gov)>

**Sent:** Tuesday, August 7, 2018 7:10 PM

**To:** [John.Freedman@arnoldporter.com](mailto:John.Freedman@arnoldporter.com); [DHo@aclu.org](mailto:DHo@aclu.org); [SBrannon@aclu.org](mailto:SBrannon@aclu.org); [PGrossman@nyclu.org](mailto:PGrossman@nyclu.org); Bauer, Andrew <[Andrew.Bauer@arnoldporter.com](mailto:Andrew.Bauer@arnoldporter.com)>; Colangelo, Matthew <[Matthew.Colangelo@ag.ny.gov](mailto:Matthew.Colangelo@ag.ny.gov)>; Goldstein, Elena <[Elena.Goldstein@ag.ny.gov](mailto:Elena.Goldstein@ag.ny.gov)>; Saini, Ajay <[Ajay.Saini@ag.ny.gov](mailto:Ajay.Saini@ag.ny.gov)>

**Cc:** Ehrlich, Stephen (CIV) <[Stephen.Ehrlich@usdoj.gov](mailto:Stephen.Ehrlich@usdoj.gov)>; Coyle, Garrett (CIV) <[Garrett.Coyle@usdoj.gov](mailto:Garrett.Coyle@usdoj.gov)>; Federighi, Carol (CIV) <[Carol.Federighi@usdoj.gov](mailto:Carol.Federighi@usdoj.gov)>; Kopplin, Rebecca M. (CIV) <[Rebecca.M.Kopplin@usdoj.gov](mailto:Rebecca.M.Kopplin@usdoj.gov)>; Halainen, Daniel J. (CIV) <[Daniel.J.Halainen@usdoj.gov](mailto:Daniel.J.Halainen@usdoj.gov)>; Tomlinson, Martin M. (CIV) <[Martin.M.Tomlinson@usdoj.gov](mailto:Martin.M.Tomlinson@usdoj.gov)>

**Subject:** RE: State of New York v. Department of Commerce, S.D.N.Y 18-CV-2921; NYIC v. Department of Commerce, S.D.N.Y. 18-CV-5025: Meet and Confer Request

Counsel—

We are available for a meet and confer at 4:30 pm tomorrow, Wednesday, August 8<sup>th</sup>.

1. Regarding the Department of Justice production, we have collected approximately 4,000 documents and are in the process of reviewing those materials for responsiveness, relevance, and privilege. We will produce any non-privileged responsive documents as expeditiously as possible. Please note, however, that this review and all

review in response to your document requests is completed by trial counsel and this review must take place alongside other obligations in this and other cases.

2. As previously indicated, Ms. Teramoto is no longer available on August 29<sup>th</sup>, but we have been able to secure availability for her on August 24<sup>th</sup> in New York City. We trust this earlier date will be acceptable to you; please let us know as quickly as possible if that is not the case.
3. We will be designating Dr. Jarmin as the census 30(b)(6) designee. In order to allow us to reasonably prepare him to testify about the 26 broad topics you have noticed, we propose moving Dr. Jarmin's fact deposition from 8/20 to 8/17 and conducting the 30(b)(6) deposition on 8/21. It will not be possible to properly prepare Dr. Jarmin to sit on consecutive days as a fact and 30(b)(6) deponent, particularly in light of the recency of your final deposition notice. We believe this slight scheduling adjustment will best accommodate your request to move quickly to schedule the 30(b)(6) while allowing us adequate preparation time. If you are unwilling to make this modification, the 30(b)(6) deposition will need to be scheduled after Labor Day, due to Dr. Jarmin's previously scheduled vacation. Should you prefer this option, we invite you to reconsider our proposal that both sides' expert report deadlines be pushed back three weeks.
4. Please find attached Defendants' First Requests for Production.

We will address your other concerns on tomorrow's call.

**Kate Bailey**

Trial Attorney

United States Department of Justice

Civil Division – Federal Programs Branch

20 Massachusetts Avenue, NW

Room 7214

Washington, D.C. 20530

202.514.9239 | [kate.bailey@usdoj.gov](mailto:kate.bailey@usdoj.gov)

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**From:** Freedman, John A. [<mailto:John.Freedman@arnoldporter.com>]

**Sent:** Monday, August 06, 2018 8:38 PM

**To:** Bailey, Kate (CIV) <[katbaile@CIV.USDOJ.GOV](mailto:katbaile@CIV.USDOJ.GOV)>; Ehrlich, Stephen (CIV) <[sehrlich@CIV.USDOJ.GOV](mailto:sehrlich@CIV.USDOJ.GOV)>; Federighi, Carol (CIV) <[CFederig@CIV.USDOJ.GOV](mailto:CFederig@CIV.USDOJ.GOV)>; Eshkenazi, Lara (USANYS) <[Lara.Eshkenazi@usdoj.gov](mailto:Lara.Eshkenazi@usdoj.gov)>; Tarczynska, Dominika (USANYS) <[Dominika.Tarczynska@usdoj.gov](mailto:Dominika.Tarczynska@usdoj.gov)>; Vargas, Jeannette (USANYS) <[Jeannette.Vargas@usdoj.gov](mailto:Jeannette.Vargas@usdoj.gov)>; Coyle, Garrett (CIV) <[gcoyle@CIV.USDOJ.GOV](mailto:gcoyle@CIV.USDOJ.GOV)>

**Cc:** [DHo@aclu.org](mailto:DHo@aclu.org); [SBrannon@aclu.org](mailto:SBrannon@aclu.org); [PGrossman@nyclu.org](mailto:PGrossman@nyclu.org); Bauer, Andrew <[Andrew.Bauer@arnoldporter.com](mailto:Andrew.Bauer@arnoldporter.com)>; Colangelo, Matthew <[Matthew.Colangelo@ag.ny.gov](mailto:Matthew.Colangelo@ag.ny.gov)>; Goldstein, Elena <[Elena.Goldstein@ag.ny.gov](mailto:Elena.Goldstein@ag.ny.gov)>; Saini, Ajay <[Ajay.Saini@ag.ny.gov](mailto:Ajay.Saini@ag.ny.gov)>

**Subject:** State of New York v. Department of Commerce, S.D.N.Y 18-CV-2921; NYIC v. Department of Commerce, S.D.N.Y. 18-CV-5025: Meet and Confer Request

Counsel --

We are writing to raise several issues with regard to your communications on Friday evening, and to request a meet and confer tomorrow or Wednesday. Tomorrow we are available other than between noon and 3. Wednesday we are available other than between 3 and 4.

1. Department of Justice Production: We received the Department of Justice production late this morning and are still reviewing. While we are reserving all of our rights, your cover letter characterized this as your "first" production. Can you confirm that we will be receiving additional responsive materials from the Department of Justice, and if so, the anticipated timing for these productions?

## 2. Deposition Dates

### a. Department of Justice Depositions

i. John Gore: We requested that you provide dates for John Gore on July 11. On July 18, you committed to get us deposition dates for him and other witnesses “as quickly as we can.” Your communication on Friday evening that you would not be producing him is both untimely and improper. Mr. Gore’s testimony is, among other things, directly relevant to the question of whether the Commerce-orchestrated, Gore-ghostwritten request for Arthur Gary to submit is pretextual, which is relevant for both the APA and Equal Protection claims.

ii. With regard to your position regarding the Department of Justice 30(b)(6) notice, as we noted, we are evaluating the production we received earlier today. While we are reserving all of our rights, based on our preliminary review, we do not think that the production is sufficient to address the topics we identified in our notice.

And while we acknowledge your objections, we reiterate our request that you, without waiving your objections, that you provide dates of availability for Mr. Gore and your 30(b)(6) notice so that in the event the Court orders their testimony, these can proceed expeditiously.

### b. Commerce/Census Depositions

i. This will confirm that we will be taking depositions of Karen Dunn Kelley on August 28 and Earl Comstock on August 30. We will issue notices later this week.

ii. With regard to Ms. Teramoto, on July 11, we requested that you provide all dates of her availability during the month of August, and you previously advised that she was available August 29, 30 or 31. We subsequently advised that we would proceed on August 29. On Friday, you advised that the only date she was available to be deposed was September 7, the date our expert reports are due. Your retraction of a previously agreed upon date in light of the quickly approaching deadlines is both untimely and inappropriate. We would suggest that you revisit this matter with your clients, or we will bring this to the Court’s attention.

iii. With regard to the Census Bureau 30(b)(6), to the extent individuals other than Messrs. Abowd or Jarmin will be designated, so that out of town counsel can plan their travel, can you please provide the potential dates when such witnesses will be made available?

## 3. Continuing Deficiencies in the Commerce/Census Bureau’s Supplementation of the Administrative Record:

a. From our discussions during the July 31 meet and confer, we understood the Defendants would be making a supplemental production. At no point did you advise that you would be withholding almost 100 documents on the basis of a purported privilege. The Court did not authorize this untimely log, nor did we consent to it. Our position is that any privilege claim as to any document that was withheld after the Court’s July 23 “no further extensions will be granted” order has been waived. These materials should be produced immediately.

b. Even had these privilege assertions been timely, there are a number of privilege assertions on the newest log that are improper on their face. For example, Defendants have withheld a second communication with Marc Neumann on the basis of attorney-client communication [11329-330]. This should be produced immediately. And there is a further work product assertion in July 2017, well before any reasonable anticipation of litigation [11317-18] -- this document should be treated consistently with the materials discussed in Judge Furman’s August 4 order.

c. With regard to Mr. Uthmeier’s August 11 memo, we do not understand how the failure to produce half a dozen copies of this document [11306, 11342, 11346, 11353, 11363, 12464] can be considered “inadvertent,”



particularly in light of the Government's insistence during the July 31 meet and confer that it was included in prior productions. This should also be produced immediately.

d. As we noted during the July 31 meet and confer, there continue to be significant gaps in the Administrative Record.

i. We raised specific concerns during the call about the lack of materials prior to December 12, 2017 (as well as prior to May 1, 2017) involving Secretary Ross, Ms. Teramoto, Ms. Alexander, and Messrs. Comstock, Branstad, Hernandez, and Uthmeier.

During the call, you confirmed that you had inquired into whether relevant materials would be found in Secretary Ross' personal emails, and you agreed to inquire whether the six other officials engaged in communications about this topic through means other than their government emails, e.g., personal emails, text, messaging apps or personal devices, or voicemails. We are still waiting for a report back.

ii. The supplemental production has done nothing to address the gaps in the Administrative Record with regard to the questions we raised concerning Secretary Ross, Ms. Teramoto, Ms. Alexander, and Messrs. Comstock, Branstad, or Hernandez. While the supplemental production does address some of our concerns regarding Mr. Uthmeier, it is apparent that certain of his materials still have not been produced and are not otherwise reflected on any log. For example, we have not found the "review materials" Uthmeier prepared on or around September 5, 2017 [AR 1996-1999], nor do we see any notes or other evidence of his or Peter Davidson's engagement with Marc Neumann on or around September 8 and October 8, 2017 [AR 2051\_001, 2497].

iii. During the July 31 call, we specifically noted the lack of documents reflecting the engagement of either the Departments of Homeland Security or Justice (as referenced in AR 2458 & 9834) as well as key third parties, including Steve Bannon (as referenced in AR 2561 & 763), Kris Kobach (as referenced in AR 763), and Marc Neumann (as referenced in 3699). The new production did not cure these issues.

Additionally, while it is clear that there was stakeholder engagement with Messrs. Kobach and Neumann during the stakeholder engagement process [AR 1141, 1815, 3421, 3491] unlike virtually every other contact during that time, there are no file memos or follow up acknowledgments regarding these contacts.

Each of these issues should be cured immediately.

Please advise when you will be available on Tuesday or Wednesday to meet and confer regarding these issues.

John

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John A. Freedman  
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Washington, DC 20001

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# **EXHIBIT 29**

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**From:** Bailey, Kate (CIV) <Kate.Bailey@usdoj.gov>  
**Sent:** Wednesday, August 15, 2018 2:56 PM  
**To:** Freedman, John A.; Goldstein, Elena; zzz.External.DHo@aclu.org;  
zzz.External.SBrannon@aclu.org; zzz.External.PGrossman@nyclu.org; Bauer, Andrew;  
Colangelo, Matthew; Saini, Ajay  
**Cc:** Coyle, Garrett (CIV); Federighi, Carol (CIV); Kopplin, Rebecca M. (CIV); Halainen, Daniel J.  
(CIV); Tomlinson, Martin M. (CIV); Ehrlich, Stephen (CIV)  
**Subject:** Two outstanding items

Counsel—

We write to provide updates on two issues you recently have raised.

First, you asked whether DOJ will be providing any of the expert reports prepared for litigation by the Civil Rights Division, as referenced in the R&Os to your Rule 45 subpoena. We have confirmed that we will be producing expert reports.

Second, we have received verbal affirmation from the custodians searched for the supplemental materials produced in response to the Court's July 3, 2018 order that they each adhered to the Department of Commerce Policy regarding personal email use. Specifically, custodians confirmed that they are aware of and adhere to the Department's policy that government business be conducted over government email. Pursuant to that policy, DOC employees are instructed to copy or forward to government email addresses any government communications sent or received from personal email addresses.

We trust this addresses your concerns.

Best,

**Kate Bailey**  
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United States Department of Justice  
Civil Division – Federal Programs Branch  
20 Massachusetts Avenue, NW  
Room 7214  
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# **EXHIBIT 30**

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**From:** Freedman, John A.  
**Sent:** Friday, August 17, 2018 10:23 AM  
**To:** 'Bailey, Kate (CIV)'; 'Coyle, Garrett (CIV)'; 'Federighi, Carol (CIV)'; 'Kopplin, Rebecca M. (CIV)'; 'Halainen, Daniel J. (CIV)'; 'Tomlinson, Martin M. (CIV)'; 'Ehrlich, Stephen (CIV)'  
**Cc:** 'Colangelo, Matthew'; 'Goldstein, Elena (Elena.Goldstein@ag.ny.gov) (Elena.Goldstein@ag.ny.gov)'; 'Saini, Ajay'; zzz.External.DHo@aclu.org; zzz.External.SBrannon@aclu.org; zzz.External.PGrossman@nyclu.org; Bauer, Andrew; Gersch, David P.; Grossi, Peter T.; Weiner, David J.; Young, Dylan Scot; Kelly, Caroline  
**Subject:** State of New York v. Department of Commerce, S.D.N.Y. 18-CV-2921; NYIC v. Department of Commerce, S.D.N.Y. 18-CV-5025: Various Matters

Counsel --

I write to raise various matters:

1. For purposes of Mr. Jarmin's testimony on Monday, can you please send your attendee list this afternoon?
2. By email dated August 3, we understood the Defendants had received clearance to produce the .csv files requested in native format. We do not believe we have received these. If these have been produced, can you identify where they are found in the record? If not, could you advise when these materials will be produced.
3. There were various documents that Dr. Abowd referenced on Wednesday as being in the Administrative Record that we have not been able to locate -- these include the more extended version of the "swat team" white paper, the back up analysis for the CAPI and 2017 ACS breakoff studies, and the race/ethnicity stratification of the 2016 ACS item non-response. Could you please advise where these are in the record?
4. Please advise where Defendants are in the process of complying with point 2 of Judge Furman's August 14 Order, in particular with the requirement that the information withheld under Title 13 be submitted to the Census Bureau Disclosure Review Board for expeditious review at its next scheduled meeting. Mr. Colangelo previously identified our priority set of materials and requested that Defendants let us know when the next DRB meeting for this week will be held, and whether the DRB does (or does not) need us to identify additional sub-sets of documents for staggered review.
5. This is a response to the various emails that have come in over the last day or so. Subject to your availability, we could meet and confer as early as this afternoon at 2 pm ET. We have arranged for interested counsel in the California and Maryland cases to be available at this time. Schedules get more complicated next week with travel and vacations.

This is what we would suggest as an agenda:

A. The Defendants' objections to the Census Bureau 30(b)(6). We are prepared to discuss each of the items raised in Kate's Wednesday letter.

B. The sufficiency of the supplementation of the Administrative Record. Based on our review of Mr. Cannon's declaration, we have the following questions and concerns:

1. Paragraph 8 of the declaration is unclear whether all materials collected from the "secured shared drive" (which we assume is a reference to SECURE\_ADREC\_2020, but please confirm) were produced, or whether they were subject to the search terms described in footnote 2 and on Appendix B. We have questions about whether all materials have been produced, particularly since Dr. Abowd referenced or

testified about certain materials that we have not been able to locate (including the materials discussed above in point 3). To the extent materials on the shared drive have not been produced, they should be produced immediately.

2. With regard to custodians, there were notable omissions of specific individuals we have identified as of interest, or the records or discovery produced indicate had significant involvement such that they are reasonably likely to have responsive materials. From the Census Bureau, this includes Victoria Velkoff, David Raglin, Albert Fotnenot, James Treat, James Whitehorne, and James Dinwiddie. From the Commerce Department, this includes Eric Branstad, David Langdon, Ellen Herbst, Sahra Park-Su, Joseph Semsar, Aaron Willard, and Brian Lenihan.

3. With regard to search terms, from the listed terms, we have significant concerns about the robustness of the searches performed and whether they were reasonably designed to identify materials concerning the Department's evaluation of the citizenship question:

- a. From the description in the attachments, we are not clear whether the search protocols executed the identified search terms as written or collected materials related to the identified search terms or whether basic search protocols were followed such as covering basic misspellings of proper names (e.g., "Koback"), root expanders (that would pick up Jefferson Sessions), and proximity limiters that would prevent picking up last names used in isolation (such as "Kobach," "Gore" without first names), etc.
- b. While the proper names of certain third parties were used as search terms, we do not understand why their titles ("Attorney General," "the AG,") and other individuals we previously identified (Mary Blanche Hankey, Danielle Cutrona, Eugene (Gene) Hamilton, James McHenry, Steve Bannon, and Marc Neuman) -- were not used as search terms. We note that many of these individuals were identified in response to the NYIC interrogatories 1.b and 1.c.
- c. The substantive search terms used do not address concepts about the potential counting or inclusion of noncitizens (or as they are referred to at AR 2521 and 763, "undocumented," "aliens," "illegals" or "illegal aliens") in the Census, and the impact that would have on enumeration, apportionment, or districting decisions. The uses of these terms and concepts in Defendants' records found prior to December 12 go directly to the question whether the Department of Justice request was pretext. It is evident from some of the earliest documents in the administrative record that the internal and external discussions of Commerce Department officials around these topics included use of these terms and concepts.

4. With regard to the Commerce Department respondents, there is nothing in Mr. Cannon's declaration that addresses our questions about senior Commerce officials use of personal or non-governmental accounts to communicate about the potential addition of a citizenship question. We have been raising this issue for at least three weeks, and understood from Stephen's August 10 email that we were to receive a "conclusive position" on August 13. To the best of our knowledge, we have not received further information on this topic.

In light of these considerations, we write to inquire whether the Defendants are standing by the position it has taken in previous meet and confers that the Administrative Record is complete. Pending satisfactory answers to these questions, we plan to advise the Court today that we have raised a number of follow up questions concerning the Wednesday night filing and requested a meet and confer.

C. The Defendants response to the NYIC and NYAG Plaintiffs' RFPs and Interrogatories. We are still reviewing the objections and responses, as well as the documents produced, and will be prepared to meet and confer on the Census Bureau requests in the near future. In the interim, we would like to meet and confer on:

1. The timing when the Defendants will respond to Interrogatory 1.a, and the Defendants' objections to Interrogatories 1.d & 1.e.

2. The Department's reliance on the previously produced Administrative Record as its response to the Requests for Production without re-producing such documents in a manner that complies with the obligation to produce documents as they are maintained in the ordinary course of business. In particular, the productions of electronic materials to date have not included metadata, have not linked document "families," and have largely not been produced in native format.

D. For the NYIC Plaintiffs only, the Government's request for Rule 45 discovery from ten individual, third-party members of the NYIC Plaintiffs organizations.

We have been working with our clients to contact the individual third party members; given the number of parties the Government has identified, this process takes time. We would like to better understand the purpose and objective of this discovery.

Notwithstanding our efforts to reach out to these individuals, our position is that the Defendants must obtain leave of court before engaging in this or any other third party discovery. We note that:

1. Judge Furman ordered the parties on May 9 to identify in the June 26 letters "to what extent the Court should permit discovery";

2. The Defendants' June 26 letter did not indicate Defendants planned to seek Rule 45 discovery; rather the Defendants took the position that there should be no discovery beyond the Administrative Record;

3. The Defendants' initial disclosures similarly did not identify any third parties (or other parties) as having documents or information relevant to support their claims or defenses; rather, Defendants took the position that the only such documents or information were the Administrative Record, as supplemented, and that "there are no fact witnesses Defendants intend to use to support their claims or defenses, other than for impeachment";

4. On July 3, Judge Furman sharply limited third-party discovery in this matter, making clear that discovery could only be sought from the Departments of Commerce and Justice [7/3 Tr. 86.];

5. We do not understand what possible relevance any third party discovery propounded on individual members of the plaintiff organizations could have to this matter, or why this is not an inappropriate effort to harass or inconvenience these individuals. We also do not understand, to the extent any of these individuals might have relevant discovery, why such information could not be sought through other, less burdensome means. To the extent the Court permits Defendants to take third party discovery and the Defendants issue Rule 45 subpoenas, we anticipate we will object and seek a protective order;

In the interest of timing, we are happy to meet and confer regarding the Government's request for leave when we next talk.

Best regards,

John

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John A. Freedman

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# **EXHIBIT 31**



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**From:** Bailey, Kate (CIV) <Kate.Bailey@usdoj.gov>  
**Sent:** Friday, August 17, 2018 12:14 PM  
**To:** Freedman, John A.; Coyle, Garrett (CIV); Federighi, Carol (CIV); Kopplin, Rebecca M. (CIV); Halainen, Daniel J. (CIV); Tomlinson, Martin M. (CIV); Ehrlich, Stephen (CIV)  
**Cc:** 'Colangelo, Matthew'; 'Goldstein, Elena (Elena.Goldstein@ag.ny.gov) (Elena.Goldstein@ag.ny.gov)'; 'Saini, Ajay'; zzz.External.DHo@aclu.org; zzz.External.SBrannon@aclu.org; zzz.External.PGrossman@nyclu.org; Bauer, Andrew; Gersch, David P.; Grossi, Peter T.; Weiner, David J.; Young, Dylan Scot; Kelly, Caroline  
**Subject:** RE: State of New York v. Department of Commerce, S.D.N.Y 18-CV-2921; NYIC v. Department of Commerce, S.D.N.Y. 18-CV-5025: Various Matters

Counsel,

In addition to Mr. Jarmin, our group will include myself, Carlotta Wells, Michael Cannon, Michael Walsh, David Dewhirst, and Miles Ryan.

Regarding "various documents that Dr. Abowd referenced on Wednesday" that you are unable to locate within the AR, please indicate where in the transcript we can find these references so we can look into the matter.

Regarding your continued questions about use of personal email accounts, I provided affirmation on that matter in my email of August 15, 2018, sent at 2:56 pm. Please let me know if you did not receive that email.

We are available to meet and confer at 2pm today on the Census 30(b)(6) objections and our request for Rule 45 discovery. Due to the number and breadth of your other inquiries, we will not have time to look into them in advance of today's call.

**Kate Bailey**

Trial Attorney  
United States Department of Justice  
Civil Division – Federal Programs Branch  
20 Massachusetts Avenue, NW  
Room 7214  
Washington, D.C. 20530  
202.514.9239 | [kate.bailey@usdoj.gov](mailto:kate.bailey@usdoj.gov)

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**From:** Freedman, John A. [mailto:John.Freedman@arnoldporter.com]  
**Sent:** Friday, August 17, 2018 10:23 AM  
**To:** Bailey, Kate (CIV) ; Coyle, Garrett (CIV) ; Federighi, Carol (CIV) ; Kopplin, Rebecca M. (CIV) ; Halainen, Daniel J. (CIV) ; Tomlinson, Martin M. (CIV) ; Ehrlich, Stephen (CIV)  
**Cc:** 'Colangelo, Matthew' ; 'Goldstein, Elena (Elena.Goldstein@ag.ny.gov) (Elena.Goldstein@ag.ny.gov)' ; 'Saini, Ajay' ; DHo@aclu.org; SBrannon@aclu.org; PGrossman@nyclu.org; Bauer, Andrew ; Gersch, David P. ; Grossi, Peter T. ; Weiner, David J. ; Young, Dylan Scot ; Kelly, Caroline  
**Subject:** State of New York v. Department of Commerce, S.D.N.Y 18-CV-2921; NYIC v. Department of Commerce, S.D.N.Y. 18-CV-5025: Various Matters

Counsel --

I write to raise various matters:

1. For purposes of Mr. Jarmin's testimony on Monday, can you please send your attendee list this afternoon?
2. By email dated August 3, we understood the Defendants had received clearance to produce the .csv files requested in native format. We do not believe we have received these. If these have been produced, can you identify where they are found in the record? If not, could you advise when these materials will be produced.
3. There were various documents that Dr. Abowd referenced on Wednesday as being in the Administrative Record that we have not been able to locate -- these include the more extended version of the "swat team" white paper, the back up analysis for the CAPI and 2017 ACS breakoff studies, and the race/ethnicity stratification of the 2016 ACS item non-response. Could you please advise where these are in the record?
4. Please advise where Defendants are in the process of complying with point 2 of Judge Furman's August 14 Order, in particular with the requirement that the information withheld under Title 13 be submitted to the Census Bureau Disclosure Review Board for expeditious review at its next scheduled meeting. Mr. Colangelo previously identified our priority set of materials and requested that Defendants let us know when the next DRB meeting for this week will be held, and whether the DRB does (or does not) need us to identify additional sub-sets of documents for staggered review.
5. This is a response to the various emails that have come in over the last day or so. Subject to your availability, we could meet and confer as early as this afternoon at 2 pm ET. We have arranged for interested counsel in the California and Maryland cases to be available at this time. Schedules get more complicated next week with travel and vacations.

This is what we would suggest as an agenda:

A. The Defendants' objections to the Census Bureau 30(b)(6). We are prepared to discuss each of the items raised in Kate's Wednesday letter.

B. The sufficiency of the supplementation of the Administrative Record. Based on our review of Mr. Cannon's declaration, we have the following questions and concerns:

1. Paragraph 8 of the declaration is unclear whether all materials collected from the "secured shared drive" (which we assume is a reference to SECURE\_ADREC\_2020, but please confirm) were produced, or whether they were subject to the search terms described in footnote 2 and on Appendix B. We have questions about whether all materials have been produced, particularly since Dr. Abowd referenced or testified about certain materials that we have not been able to locate (including the materials discussed above in point 3). To the extent materials on the shared drive have not been produced, they should be produced immediately.
2. With regard to custodians, there were notable omissions of specific individuals we have identified as of interest, or the records or discovery produced indicate had significant involvement such that they are reasonably likely to have responsive materials. From the Census Bureau, this includes Victoria Velkoff, David Raglin, Albert Fotnenot, James Treat, James Whitehorne, and James Dinwiddie. From the Commerce Department, this includes Eric Branstad, David Langdon, Ellen Herbst, Sahra Park-Su, Joseph Semsar, Aaron Willard, and Brian Lenihan.
3. With regard to search terms, from the listed terms, we have significant concerns about the robustness of the searches performed and whether they were reasonably designed to identify materials concerning the Department's evaluation of the citizenship question:
  - a. From the description in the attachments, we are not clear whether the search protocols executed the identified search terms as written or collected materials related to the identified search terms or whether basic search protocols were followed such as covering basic

misspellings of proper names (e.g., “Koback”), root expanders (that would pick up Jefferson Sessions), and proximity limiters that would prevent picking up last names used in isolation (such as “Kobach,” “Gore” without first names), etc.

b. While the proper names of certain third parties were used as search terms, we do not understand why their titles (“Attorney General,” “the AG,”) and other individuals we previously identified (Mary Blanche Hankey, Danielle Cutrona, Eugene (Gene) Hamilton, James McHenry, Steve Bannon, and Marc Neuman) -- were not used as search terms. We note that many of these individuals were identified in response to the NYIC interrogatories 1.b and 1.c.

c. The substantive search terms used do not address concepts about the potential counting or inclusion of noncitizens (or as they are referred to at AR 2521 and 763, “undocumented,” “aliens,” “illegals” or “illegal aliens”) in the Census, and the impact that would have on enumeration, apportionment, or districting decisions. The uses of these terms and concepts in Defendants’ records found prior to December 12 go directly to the question whether the Department of Justice request was pretext. It is evident from some of the earliest documents in the administrative record that the internal and external discussions of Commerce Department officials around these topics included use of these terms and concepts.

4. With regard to the Commerce Department respondents, there is nothing in Mr. Cannon’s declaration that addresses our questions about senior Commerce officials use of personal or non-governmental accounts to communicate about the potential addition of a citizenship question. We have been raising this issue for at least three weeks, and understood from Stephen’s August 10 email that we were to receive a “conclusive position” on August 13. To the best of our knowledge, we have not received further information on this topic.

In light of these considerations, we write to inquire whether the Defendants are standing by the position it has taken in previous meet and confers that the Administrative Record is complete. Pending satisfactory answers to these questions, we plan to advise the Court today that we have raised a number of follow up questions concerning the Wednesday night filing and requested a meet and confer.

C. The Defendants response to the NYIC and NYAG Plaintiffs’ RFPs and Interrogatories. We are still reviewing the objections and responses, as well as the documents produced, and will be prepared to meet and confer on the Census Bureau requests in the near future. In the interim, we would like to meet and confer on:

1. The timing when the Defendants will respond to Interrogatory 1.a, and the Defendants’ objections to Interrogatories 1.d & 1.e.

2. The Department’s reliance on the previously produced Administrative Record as its response to the Requests for Production without re-producing such documents in a manner that complies with the obligation to produce documents as they are maintained in the ordinary course of business. In particular, the productions of electronic materials to date have not included metadata, have not linked document “families,” and have largely not been produced in native format.

D. For the NYIC Plaintiffs only, the Government’s request for Rule 45 discovery from ten individual, third-party members of the NYIC Plaintiffs organizations.

We have been working with our clients to contact the individual third party members; given the number of parties the Government has identified, this process takes time. We would like to better understand the purpose and objective of this discovery.

Notwithstanding our efforts to reach out to these individuals, our position is that the Defendants must obtain leave of court before engaging in this or any other third party discovery. We note that:

1. Judge Furman ordered the parties on May 9 to identify in the June 26 letters “to what extent the Court should permit discovery”;
2. The Defendants’ June 26 letter did not indicate Defendants planned to seek Rule 45 discovery; rather the Defendants took the position that there should be no discovery beyond the Administrative Record;
3. The Defendants’ initial disclosures similarly did not identify any third parties (or other parties) as having documents or information relevant to support their claims or defenses; rather, Defendants took the position that the only such documents or information were the Administrative Record, as supplemented, and that “there are no fact witnesses Defendants intend to use to support their claims or defenses, other than for impeachment”;
4. On July 3, Judge Furman sharply limited third-party discovery in this matter, making clear that discovery could only be sought from the Departments of Commerce and Justice [7/3 Tr. 86.];
5. We do not understand what possible relevance any third party discovery propounded on individual members of the plaintiff organizations could have to this matter, or why this is not an inappropriate effort to harass or inconvenience these individuals. We also do not understand, to the extent any of these individuals might have relevant discovery, why such information could not be sought through other, less burdensome means. To the extent the Court permits Defendants to take third party discovery and the Defendants issue Rule 45 subpoenas, we anticipate we will object and seek a protective order;

In the interest of timing, we are happy to meet and confer regarding the Government’s request for leave when we next talk.

Best regards,

John

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John A. Freedman

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# **EXHIBIT 32**



**UNITED STATES DEPARTMENT OF COMMERCE**  
**The Secretary of Commerce**  
Washington, D.C. 20230

**Supplemental Memorandum by Secretary of Commerce Wilbur Ross  
Regarding the Administrative Record in Census Litigation**

This memorandum is intended to provide further background and context regarding my March 26, 2018, memorandum concerning the reinstatement of a citizenship question to the decennial census. Soon after my appointment as Secretary of Commerce, I began considering various fundamental issues regarding the upcoming 2020 Census, including funding and content. Part of these considerations included whether to reinstate a citizenship question, which other senior Administration officials had previously raised. My staff and I thought reinstating a citizenship question could be warranted, and we had various discussions with other governmental officials about reinstating a citizenship question to the Census. As part of that deliberative process, my staff and I consulted with Federal governmental components and inquired whether the Department of Justice (DOJ) would support, and if so would request, inclusion of a citizenship question as consistent with and useful for enforcement of the Voting Rights Act.

Ultimately, on December 12, 2017, DOJ sent a letter formally requesting that the Census Bureau reinstate on the 2020 Census questionnaire a question regarding citizenship. My March 26, 2018, memorandum described the thorough assessment process that the Department of Commerce conducted following receipt of the DOJ letter, the evidence and arguments I considered, and the factors I weighed in making my decision to include the citizenship question on the 2020 Census.

A handwritten signature in black ink, which appears to read "Wilbur Ross", is positioned above the printed name.

Wilbur Ross  
June 21, 2018

# **EXHIBIT 33**

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

NEW YORK IMMIGRATION  
COALITION, *et al.*,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF  
COMMERCE, *et al.*,

Defendants.

No. 1:18-cv-5025 (JMF)

**DEFENDANTS' OBJECTIONS AND RESPONSES TO PLAINTIFFS' FIRST SET OF  
REQUESTS FOR EXPEDITED PRODUCTION OF DOCUMENTS AND FIRST SET  
OF INTERROGATORIES TO DEFENDANTS UNITED STATES DEPARTMENT OF  
COMMERCE AND WILBUR ROSS**

Pursuant to Federal Rules of Civil Procedure 26, 33, and 34, Defendants United States Department of Commerce and Wilbur Ross submit these initial objections and responses to Plaintiffs' First Set of Requests for Expedited Production of Documents and First Set of Interrogatories to Defendants United States Department of Commerce and Wilbur Ross.

**OBJECTIONS TO DEFINITIONS AND INSTRUCTIONS**

1. Defendants object to Instructions 4, 5, and 6 to the extent they imply any obligation outside of the scope of Federal Rules of Civil Procedure 26(b)(5) or 34 and the corresponding Local Civil Rules, and on the ground that they are unduly burdensome. In particular, Defendants will not "identify each PERSON or organization having knowledge of the factual basis, if any, upon which the objection, privilege, or other ground is asserted," because such a request has no basis in Rules 26(b)(5) or 34. Concerning privileged material, Defendants reserve the right to create a categorical privilege log as contemplated by Local Civil Rule 26.2(c) and the associated Committee Note. Additionally, documents created by or communications sent to or from litigation counsel (including



agency counsel responsible for this litigation after commencement of this matter) will not be logged, as information contained therein is not relevant to the claims and defenses in this litigation.

2. Defendants object to Instruction 7 as imposing obligations outside the scope of Federal Rule of Civil Procedure 34 and for being unduly burdensome insofar as it purports to require a document-by-document recounting without regard to the date on which the document was created, the date on which it was lost, discarded, destroyed, or otherwise disposed of, or whether litigation involving the substance of the document was reasonably foreseeable at that time it was lost, discarded, destroyed or otherwise disposed of.

3. Defendants object to the definition of “COMMUNICATION” and “COMMUNICATIONS” insofar as they exceed the definition of “communication” provided in Local Civil Rule 26.3(c)(1). Defendants’ production of documents will be limited to the definition of “communication” provided in Local Civil Rule 26.3(c)(1). Defendants also object to this definition as beyond the scope of Rule 34 to the extent it purports to require Defendants to create records of “oral contact, such as face-to-face meetings, video conferences, or telephonic conversations.” Oral communications are not documents or things within the scope of Federal Rule of Civil Procedure 34 and, accordingly, Defendants will not be producing such information.

4. Defendants object to the definition of “IDENTIFY” in reference to “a person” as unduly burdensome and going beyond the requirements of Federal Rule of Civil Procedure 34 and Local Civil Rule 26.3(c)(3). Defendants object to the definition of “IDENTIFY” in reference to “a document” as unduly burdensome and going beyond the requirements of Federal Rule of Civil Procedure 34 and Local Civil Rule 26.3(c)(4). Defendants object to the definition of “IDENTIFY” in reference to “an event, occurrence, act, transaction or conversation” as unduly burdensome and going beyond the requirements of Federal Rule of Civil Procedure 34.

5. Defendants object to the definition of “PERSON OR PERSONS” insofar as it exceeds the definition of “person” provided in Local Civil Rule 26.3(c)(6). Defendants will limit their search and production to the definition of “person” provided in Local Civil Rule 26.3(c)(6).

6. Defendants object to the definition of “OTHER GOVERNMENT AGENCIES” on the basis that it is overbroad, unduly burdensome, and outside the scope of discovery, insofar as it would expand the scope of discovery to the entire federal government.

7. Defendants object to the definition of “TRUMP ADMINISTRATION” as overbroad. Defendants will interpret “TRUMP ADMINISTRATION” to mean President Trump in his official capacity as President, as well as any other current or former employee of the Executive Office of the President acting in his or her official capacity.

8. Defendants object to the definition of “TRUMP CAMPAIGN” as overly broad and ambiguous. It is beyond Defendants’ capacity to determine, for any given person, whether that person sought the election or reelection of President Trump.

### **OBJECTION TO ALL REQUESTS FOR PRODUCTION**

1. Defendants object to Plaintiffs’ discovery requests to the extent they seek documents that are publicly available, already produced to Plaintiffs in the administrative record, or are readily accessible to Plaintiffs or otherwise would be less burdensome for Plaintiffs to obtain than Defendants. *See* Fed. R. Civ. P. 26(b)(2)(C). Defendants will not reproduce documents already produced in the administrative record.

2. Defendants object to Plaintiffs’ requests to the extent that they seek (a) attorney work product; (b) communications protected by the attorney-client privilege; (c) information protected by the deliberative process privilege, the joint defense privilege, common interest privilege, or law enforcement privilege; (d) material the disclosure of which would violate legitimate privacy

interests and expectations of persons not party to this litigation; (e) information protected by any form of executive privilege; or (f) any other applicable privilege or protection.

3. Defendants specifically decline to produce privileged information. A privilege log will be provided in the course of Defendants' rolling productions. Defendants further object to any requirement that they produce a privilege log for privileged material not otherwise properly within the scope of discovery and/or as to which no privilege log would be required pursuant to Federal Rule of Civil Procedure 26(b)(5).

4. Each and every response contained herein is subject to the above objections, which apply to each and every response, regardless of whether a specific objection is interposed in a specific response. The making of a specific objection in response to a particular request is not intended to constitute a waiver of any other objection not specifically referenced in the particular response.

5. Defendants specifically reserve the right to make further objections as necessary to the extent additional issues arise regarding the meaning of and/or information sought by discovery.

### **OBJECTIONS TO SPECIFIC REQUESTS FOR PRODUCTION**

**Request for Production No. 1.** All COMMUNICATIONS, including drafts and DOCUMENTS reflecting COMMUNICATIONS, regarding or relating to the inclusion of a CITIZENSHIP QUESTION on the DECENNIAL CENSUS, including but not limited to COMMUNICATIONS with or about the CENSUS BUREAU, OTHER GOVERNMENT AGENCIES, the TRUMP ADMINISTRATION, the TRUMP CAMPAIGN, NIELSEN, Kris Kobach, Steve Bannon, Stephen Miller, Andrew Bremberg, Steve King, Steven Camarota, Hermann Habermann, and Robert Groves.

**Objections:** Defendants object to this request as seeking, on its face, "drafts" that are subject to the deliberative-process privilege and other communications subject to the deliberative-process privilege, the attorney-client privilege, and/or the attorney work-product doctrine.

Defendants further object to this request on the ground that it is overbroad because it is unlimited as to time. Given that "DECENNIAL CENSUS" is defined to include every decennial

census dating back to the ratification of the Constitution, this request, as written, sweeps in decades- or centuries-old documents from long before the events at issue in this case without regard to their relevancy to Plaintiffs' claims, which concern a decision made in 2018. The burden of obtaining and producing all such documents disproportionately outweighs any possible need for the requested documents. Defendants will interpret this request to be limited to documents created after January 20, 2017.

Defendants further object to this request to the extent it seeks documents irrelevant to Plaintiffs' claims. Specifically, Defendants object that this request sweeps in press office activities irrelevant to Plaintiffs' claims.

Defendants further object to this request because it seeks documents that have already been produced to Plaintiffs as part of the administrative record and in response to the Court's July 3, 2018 order and are otherwise publicly available. Defendants will not reproduce documents already produced.

**Response:** Subject to the above objections, Defendants refer Plaintiffs to the complete administrative record, filed on June 8, 2018, *see* ECF No. 173, *New York v. U.S. Dep't of Commerce*, No. 18-cv-2921 (JMF), the supplement to the administrative record, filed on June 21, 2018, *see* ECF No. 189, and the supplemental materials filed pursuant to the Court's July 3, 2018 order in *New York v. U.S. Dep't of Commerce*, No. 18-cv-2921 (JMF). For example, Defendants refer Plaintiffs to previously produced documents Bates numbered 003694, 002634–002641, and 001198–001209. Defendants aver that they have no other responsive nonprivileged documents in their possession, custody, or control beyond what they have already produced.

**Request for Production No. 2.** All DOCUMENTS, including drafts, regarding, relating, or concerning the inclusion of a CITIZENSHIP QUESTION on the DECENNIAL CENSUS, including but not limited to: (a) DOCUMENTS, analysis or data considered by (or reflecting information considered by) COMMERCE in proposing, evaluating, or analyzing the citizenship

question, (b) DOCUMENTS, analysis or data considered by (or reflecting information considered by) by ROSS in proposing, evaluating, or analyzing the citizenship question, or (c) DOCUMENTS, analysis or data generated by or relied upon by COMMERCE, the CENSUS BUREAU, or the TRUMP ADMINISTRATION in preparing ROSS' March 26, 2018 memorandum.

**Objections:** Defendants object to this request as seeking, on its face, “drafts” that are subject to the deliberative-process privilege and other communications subject to the deliberative-process privilege, the attorney-client privilege, and/or the work-product doctrine.

Defendants further object to this request on the ground that it is overbroad and not proportional to the needs of the case because it is unlimited as to time. Given that “DECENNIAL CENSUS” is defined to include every decennial census dating back to the ratification of the Constitution, this request, as written, sweeps in decades- or centuries-old documents from long before the events at issue in this case without regard to their relevancy to Plaintiffs’ claims, which concern a decision made in 2018. The burden of obtaining and producing all such documents disproportionately outweighs any possible need for the requested documents.

Defendants further object to this request on the ground that it is beyond Defendants’ capacity to know what the TRUMP ADMINISTRATION, a non-party, relied on.

Defendants further object to this request on the ground that it purports to seek “data or analysis” that do not constitute “DOCUMENTS.” Defendants will construe this request as seeking only “documents” as defined by Federal Rule of Civil Procedure 34(a)(1).

Defendants further object to this request to the extent it seeks documents irrelevant to Plaintiffs’ claims. Specifically, Defendants object that this request sweeps in press office activities irrelevant to Plaintiffs’ claims.

Defendants further object to this request because it seeks documents that have already been produced to Plaintiffs as part of the administrative record and in response to the Court’s July 3, 2018 order and are otherwise publicly available. Defendants will not reproduce documents already produced.

**Response:** Subject to the above objections, Defendants refer Plaintiffs to the complete administrative record, filed on June 8, 2018, *see* ECF No. 173, *New York v. U.S. Dep't of Commerce*, No. 18-cv-2921 (JMF), the supplement to the administrative record, filed on June 21, 2018, *see* ECF No. 189, and the supplemental materials filed pursuant to the Court's July 3, 2018 order in *New York v. U.S. Dep't of Commerce*, No. 18-cv-2921 (JMF). Defendants aver that they have no other responsive nonprivileged documents in their possession, custody, or control beyond what they have already produced.

**Request for Production No. 3.** All DOCUMENTS, including drafts, regarding, relating, or concerning the inclusion of a CITIZENSHIP QUESTION on the DECENNIAL CENSUS, including but not limited to: DOCUMENTS, data or analysis generated by or relied upon by the CENSUS BUREAU, COMMERCE, or the TRUMP ADMINISTRATION in preparing for Congressional testimony by ROSS, any COMMERCE, CENSUS BUREAU, or OTHER GOVERNMENT AGENCY employee related to the inclusion of a citizenship question on the DECENNIAL CENSUS.

**Objections:** Defendants object to this request as seeking, on its face, “drafts” that are subject to the deliberative-process privilege and other communications subject to the deliberative-process privilege, the attorney-client privilege, and/or the work-product doctrine.

Defendants further object to this request on the ground that it is overbroad and not proportional to the needs of the case because it is unlimited as to time. Given that “DECENNIAL CENSUS” is defined to include every decennial census dating back to the ratification of the Constitution, this request, as written, sweeps in decades- or centuries-old documents from long before the events at issue in this case without regard to their relevancy to Plaintiffs’ claims, which concern a decision made in 2018. The burden of obtaining and producing all such documents disproportionately outweighs any possible need for the requested documents.

Defendants further object to this request on the ground that it is beyond Defendants’ capacity to know what the TRUMP ADMINISTRATION, a non-party, relied on.

Defendants further object to this request on the ground that information related to preparation for testimony of an OTHER GOVERNMENT AGENCY employee would not be within the custody or control of Defendants and is irrelevant to Plaintiffs' claims.

Defendants further object to this request on the ground that it purports to seek "data or analysis" that do not constitute "DOCUMENTS." Defendants will construe this request as seeking only "documents" as defined by Federal Rule of Civil Procedure 34(a)(1).

Defendants further object to this request because it seeks documents that have already been produced to Plaintiffs as part of the administrative record and in response to the Court's July 3, 2018 order and are otherwise publicly available. Defendants will not reproduce documents already produced.

**Response:** Subject to the above objections, Defendants will make rolling productions of responsive, non-privileged documents where the burden of searching, collecting, and producing such documents is not disproportionate to the needs of the case, beginning August 13, 2018 with anticipated substantial completion within a reasonable amount of time.

**Request for Production No. 4.** All DOCUMENTS, including drafts, regarding, relating, or concerning the sufficiency of available data for federal enforcement of the Voting Rights Act, 52 U.S.C. § 10101.

**Objections:** Defendants object to this request on the ground that it is overbroad and not proportional to the needs of the case in that it seeks information about Voting Rights Act enforcement data other than citizenship, even though Plaintiffs' claims concern only the citizenship question.

Defendants further object to this request as seeking, on its face, "drafts" that are subject to the deliberative-process privilege and other communications subject to the deliberative-process privilege, the attorney-client privilege, and/or the work-product doctrine.

Defendants further object to this request on the ground that it is overbroad and not proportional to the needs of the case because it is unlimited as to time. This request, as written, sweeps in decades-old documents from long before the events at issue in this case without regard to their relevancy to Plaintiffs' claims, which concern a decision made in 2018. The burden of obtaining and producing all such documents disproportionately outweighs any possible need for the requested documents.

Defendants further object to this request because it seeks documents that have already been produced to Plaintiffs as part of the administrative record and in response to the Court's July 3, 2018 order and are otherwise publicly available. Defendants will not reproduce documents already produced.

**Response:** Subject to the above objections, Defendants will make rolling productions of responsive, non-privileged documents where the burden of searching, collecting, and producing such documents is not disproportionate to the needs of the case, beginning August 13, 2018 with anticipated substantial completion within a reasonable amount of time.

**Request for Production No. 5.** All DOCUMENTS, including drafts, discussing, regarding or relating to the sufficiency of administrative data necessary for the CENSUS BUREAU to create the citizenship data that DOJ requested in its December 2017 memo.

**Objections:** Defendants object to this request on the ground that it is vague and does not provide an adequate description upon which to base a reasonable inquiry. The request for information about the "sufficiency" of data "necessary" to supply citizenship data is both unclear in its scope and confusing in its phrasing.

Defendants further object to this request as seeking, on its face, "drafts" that are subject to the deliberative-process privilege and other communications subject to the deliberative-process privilege, the attorney-client privilege, and/or the work-product doctrine.



Defendants further object to this request because it seeks documents that have already been produced to Plaintiffs as part of the administrative record and in response to the Court's July 3, 2018 order and are otherwise publicly available. Defendants will not reproduce documents already produced.

**Response:** Subject to the above objections, Defendants refer Plaintiffs to the complete administrative record, filed on June 8, 2018, *see* ECF No. 173, *New York v. U.S. Dep't of Commerce*, No. 18-cv-2921 (JMF), the supplement to the administrative record, filed on June 21, 2018, *see* ECF No. 189, and the supplemental materials filed pursuant to the Court's July 3, 2018 order in *New York v. U.S. Dep't of Commerce*, No. 18-cv-2921 (JMF). For example, Defendants refer Plaintiffs to previously produced documents Bates numbered 008219–008221, 008222–008226, 003240–003247, and 009356–009358.

Subject to the above objections, Defendants will make rolling productions of responsive, non-privileged documents where the burden of searching, collecting, and producing such documents is not disproportionate to the needs of the case, beginning August 13, 2018 with anticipated substantial completion within a reasonable amount of time.

**Request for Production No. 6.** All DOCUMENTS regarding or relating to changes or edits made by COMMERCE, the TRUMP ADMINISTRATION or OTHER GOVERNMENT AGENCIES to CENSUS BUREAU Quarterly Program Management Reviews since January 2017 regarding or relating to the inclusion of CITIZENSHIP QUESTION on the DECENNIAL CENSUS.

**Objections:** Defendants object to this request as seeking, on its face, pre-decisional materials subject to the deliberative-process privilege and other communications subject to the deliberative-process privilege, the attorney-client privilege, and/or the work-product doctrine.

Defendants further object to this request on the ground that it seeks documents that are publicly available and thus equally accessible to Plaintiffs. Defendants will not reproduce documents that are publicly available.

**Response:** Subject to and without waiving the above objections, Defendants refer Plaintiffs to the publicly available final version of these documents, available at <https://www.census.gov/programs-surveys/decennial-census/2020-census/planning-management/program-briefings.html>.

**Request for Production No. 7.** All COMMUNICATIONS and DOCUMENTS, including drafts, generated by, prepared by, relied upon by, referenced, or otherwise produced by COMMERCE, the CENSUS BUREAU, or the TRUMP ADMINISTRATION in conjunction with the documents found in the Administrative Record at 1277-1285, 1286-1297, 1298-1303, 1304-1307, 1308-1312, and 1313-1320.

**Objections:** Defendants object to this request as seeking, on its face, “drafts” that are subject to the deliberative-process privilege and other communications subject to the deliberative-process privilege, the attorney-client privilege, and/or the work-product doctrine. Defendants have already produced the nonprivileged final versions of these documents.

Defendants further object to this request on the ground that the term “in conjunction with” is vague and ambiguous. Defendants will construe this request as seeking documents explicitly referenced in the documents Bates numbered 001277–001285, 001286–001297, 001298–001303, 001304–001307, 001308–001312, and 001313–001320.

**Response:** Subject to the above objections, Defendants refer Plaintiffs to the complete administrative record, filed on June 8, 2018, *see* ECF No. 173, *New York v. U.S. Dep’t of Commerce*, No. 18-cv-2921 (JMF), the supplement to the administrative record, filed on June 21, 2018, *see* ECF No. 189, and the supplemental materials filed pursuant to the Court’s July 3, 2018 order in *New York v. U.S. Dep’t of Commerce*, No. 18-cv-2921 (JMF). Defendants aver that they have no other responsive nonprivileged documents in their possession, custody, or control beyond what they have already produced.

**Request for Production No. 8.** All DOCUMENTS AND COMMUNICATIONS concerning the decision whether to include a Citizenship Question on the 2020 DECENNIAL CENSUS before

December 12, 2017, including but not limited to, those related to whether to include citizenship as a subject in the March 2017 Report to Congress.

**Objections:** Defendants object to this request on the basis that the terms “COMMERCE” is vague and ambiguous. Defendants will construe the term “COMMERCE” as meaning the component of the United States Department of Commerce likely to have responsive documents: the headquarters offices of the Department. Searches within other components of the Department—a large federal agency that includes, for example, the National Oceanic and Atmospheric Administration—are not likely to yield responsive information and would incur undue and disproportionate burden on Defendants.

Defendants further object to the request because, on its face, the request seeks documents likely covered by the deliberative-process privilege, the attorney-client privilege, and the work-product privilege.

Defendants further object to this request because there is no date limitation. The request seeks documents that Secretary Ross did not consider and that predate the Trump Administration. These documents are irrelevant to Plaintiffs’ claims. Defendants will interpret this request to be limited to documents created after January 20, 2018.

Defendants further object to this request because any responsive documents, subject to the above objections, have already been produced to Plaintiffs in the administrative record and are otherwise publicly available. Defendants will not reproduce documents already produced in the administrative record.

**Response:** Subject to the above objections, Defendants refer Plaintiffs to previously produced documents Bates numbered 002630 and 003685-003686. Defendants aver that they have no other responsive nonprivileged documents in their possession, custody, or control beyond what they have already produced.

**Request for Production No. 9.** All DOCUMENTS and COMMUNICATIONS that Defendants plan to introduce into evidence at trial.

**Objections:** Defendants object to this request on the ground that it is premature at this stage of the case, while discovery is still ongoing.

**Response:** Subject to and without waiving the above objection, Defendants refer Plaintiffs to the complete administrative record upon which the Secretary of Commerce based his decision to reinstate a question concerning citizenship on the 2020 Decennial Census, filed on June 8, 2018, *see* ECF No. 173, *New York v. U.S. Dep't of Commerce*, No. 18-cv-2921 (JMF), and the supplement to the administrative record, filed on June 21, 2018, *see* ECF No. 189, *New York v. U.S. Dep't of Commerce*, No. 18-cv-2921 (JMF).

## OBJECTIONS AND RESPONSES TO INTERROGATORIES

**Interrogatory No. 1.** With regard to the document found in the Administrative Record at 1321, please IDENTIFY:

- a. the “senior Administration officials” who “previously raised” reinstating the citizenship question;
- b. the “various discussions with other government officials about reinstating a citizenship question to the Census”;
- c. the consultations Secretary and his staff participated in when they “consulted with Federal governmental components”;
- d. the date on which the “senior Administration officials” who “previously raised” reinstating the citizenship question first raised this subject; and
- e. all PERSONS with whom the “senior Administration officials had previously raised” reinstating the citizenship question.

**Objections:** Defendants object to this interrogatory because it has five discrete subparts. This interrogatory therefore constitutes five interrogatories for purposes of the limit of 25 interrogatories.

*See* Fed. R. Civ. P. 33(a)(1).

Defendants further object to subparts b., c., and d. of this interrogatory insofar as they exceed the scope of information a party may seek at this stage of the litigation pursuant to Local Civil Rule 33.3(a). Consistent with this Local Civil Rule 33.3(a), Defendants construe subparts b.

and c. as requesting only the identities of individuals, and Defendants object to subpart d. as requesting information outside the scope of Local Civil Rule 33.3(a).

Defendants further object to this interrogatory to the extent that it seeks (a) communications or information protected by the attorney-client privilege or (b) communications or information protected by the deliberative process privilege.

Defendants further object to this interrogatory as vague and overbroad to the extent it seeks information about meetings or conversations with government officials and other persons whose identities are immaterial to the claims in this litigation, and because the burden of responding is disproportionate to the needs of this case. Specifically, Defendants object to subpart e. as overbroad and vague, as it sweeps in private conversations with any individual, without scope, that “senior Administration officials had previously raised” reinstating the citizenship question.

Defendants further object to the interrogatory to the extent that it purports to require the identification of the date, location, participants, and subject of any meetings involving the Executive Office of the President. *See Cheney v. U.S. District Court*, 542 U.S. 367, 388 (2004).

**Response:**

Subject to and without waiving these objections, Defendants state that the following individuals are responsive to this interrogatory:

- 1.a. Defendants have not to date been able to identify individuals responsive to subpart a. Defendants’ investigation is continuing, and Defendants will supplement this response as appropriate.
- 1.b. Subject to and without waiving the above objections: Mary Blanche Hanky, James McHenry, Gene Hamilton, John Gore, Danielle Cutrona, Jefferson Sessions, Kris Kobach, Steve Bannon, and Wilbur Ross.

1.c. Subject to and without waiving the above objections: Mary Blanche Hanky, James McHenry, Gene Hamilton, John Gore, Danielle Cutrona, Jefferson Sessions, Kris Kobach, Steve Bannon, and Wilbur Ross.

Defendants reserve the right to supplement this response with any additional relevant, responsive, non-privileged information that is within its possession, custody, or control and capable of being ascertained with reasonable diligence.

**Interrogatory No. 2.** Please IDENTIFY all persons involved in drafting, commenting on, or approving ROSS' March 26, 2018 memorandum.

**Objections:** Defendants object to this interrogatory to the extent that it seeks (a) communications or information protected by the attorney-client privilege or (b) communications or information protected by the deliberative process privilege.

Defendants further object to this interrogatory as vague and ambiguous with respect to the term "approving," as the Secretary alone approved the decision and memorandum. Defendants further object to this interrogatory as vague and ambiguous with respect to the term "commenting on."

**Response:**

Subject to and without waiving these objections, Defendants state that the following individuals are responsive to this interrogatory: John Abowd, Earl Comstock, Peter Davidson, Jessica Freitas, Ron Jarmin, Christa Jones, Karen Dunn Kelley, Enrique Lamas, James Uthmeier, Victoria Velkoff, Michael Walsh, and Attorneys at the Department of Justice.

Defendants reserve the right to supplement this response with any additional relevant, responsive, non-privileged information that is within its possession, custody, or control and capable of being ascertained with reasonable diligence.

**Interrogatory No. 3.** With respect to any Congressional testimony by ROSS or any COMMERCE, CENSUS BUREAU, or OTHER GOVERNMENT AGENCY concerning the inclusion of a question concerning citizenship on the DECENNIAL CENSUS, please IDENTIFY all persons involved in the preparation for such testimony.

**Objections:** Defendants object to this interrogatory to the extent that it seeks (a) communications or information protected by the attorney-client privilege or (b) communications or information protected by the deliberative process privilege.

Defendants further object to this request as overbroad and beyond the scope of discovery to the extent it seeks information on testifying officials from other government agencies not party to this lawsuit.

Defendants further object to this interrogatory as seeking information that is not relevant to any party's claim or defense. Preparations of the Secretary or any other official for congressional testimony have no bearing on Plaintiff's challenge to the reinstatement of the citizenship question.

**Response:**

Subject to and without waiving these objections, Defendants state that the following individuals are responsive to this interrogatory (all individuals employed by Department of Commerce unless otherwise indicated): Michael Phelps, Rachael Wilde, Traci Blyden, Rod Turk, Erin Cavanaugh, Joselyn Bingham, Barry Robinson, Melissa Creech, Beverly Hyson, Peter Davidson, Michelle McClelland, Kim Taylor, Alicia Price, Jonathan Baker, Lauren Didiuk, Nick Kornegay, Brian DiGiacomo, Michael Cannon, Beth Grossman, Beth Van Hanswyk, Jennifer Lucas, Hillary Davidson, Joe Bartels, Earl Comstock Sahra Park-Su, Michael Walsh, David Langdon, Henry Young, Jocelyn Burston, Graham Davidson, Anne Teague, Michael Platt, Kasey O'Conner, Lawson Kluttz, Ross Branson, Jacque Mason, Keven Valentin, Jenilee Keefe Singer, Burton Reist, Christa Jones, Jeffrey Weinberg (OMB), Rody Damis (OMB), and Rachel Snyderman (OMB).

Defendants reserve the right to supplement this response with any additional relevant, responsive, non-privileged information that is within its possession, custody, or control and capable of being ascertained with reasonable diligence.

As to Interrogatories, see Verification page *infra*.

As to objections:

Dated: August 13, 2018

CHAD A. READLER  
Acting Assistant Attorney General

BRETT A. SHUMATE  
Deputy Assistant Attorney General

JOHN R. GRIFFITHS  
Director, Federal Programs Branch

CARLOTTA P. WELLS  
Assistant Director, Federal Programs Branch

/s/ Kate Bailey  
KATE BAILEY  
GARRETT COYLE  
STEPHEN EHRLICH  
CAROL FEDERIGHI  
Trial Attorneys  
United States Department of Justice  
Civil Division, Federal Programs Branch  
20 Massachusetts Ave., N.W.  
Washington, DC 20530  
Tel.: (202) 514-9239  
Email: kate.bailey@usdoj.gov

*Counsel for Defendants*



**CERTIFICATION OF MICHAEL A. CANNON**

I certify under penalty of perjury that the foregoing response to Plaintiffs' interrogatories are true and correct to the best of my knowledge, information, belief, understanding, and recollection, with the understanding that the Department of Commerce is continuing to research its responses to the Plaintiffs' interrogatories and reserves the right to supplement its response.

Dated: 8/13/18

A handwritten signature in blue ink, appearing to read "Michael A. Cannon", written over a horizontal line.

Michael A. Cannon

# **EXHIBIT 34**

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

NEW YORK IMMIGRATION  
COALITION, *et al.*,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF  
COMMERCE, *et al.*,

Defendants.

No. 1:18-cv-5025 (JMF)

**DEFENDANTS' OBJECTIONS AND RESPONSES TO PLAINTIFFS' FIRST SET OF  
REQUESTS FOR EXPEDITED PRODUCTION OF DOCUMENTS AND FIRST SET  
OF INTERROGATORIES TO DEFENDANTS UNITED STATES DEPARTMENT OF  
COMMERCE AND WILBUR ROSS**

Pursuant to Federal Rules of Civil Procedure 26, 33, and 34, Defendants United States Department of Commerce and Wilbur Ross submit these initial objections and responses to Plaintiffs' First Set of Requests for Expedited Production of Documents and First Set of Interrogatories to Defendants United States Department of Commerce and Wilbur Ross.

**OBJECTIONS TO DEFINITIONS AND INSTRUCTIONS**

1. Defendants object to Instructions 4, 5, and 6 to the extent they imply any obligation outside of the scope of Federal Rules of Civil Procedure 26(b)(5) or 34 and the corresponding Local Civil Rules, and on the ground that they are unduly burdensome. In particular, Defendants will not "identify each PERSON or organization having knowledge of the factual basis, if any, upon which the objection, privilege, or other ground is asserted," because such a request has no basis in Rules 26(b)(5) or 34. Concerning privileged material, Defendants reserve the right to create a categorical privilege log as contemplated by Local Civil Rule 26.2(c) and the associated Committee Note. Additionally, documents created by or communications sent to or from litigation counsel (including

agency counsel responsible for this litigation after commencement of this matter) will not be logged, as information contained therein is not relevant to the claims and defenses in this litigation.

2. Defendants object to Instruction 7 as imposing obligations outside the scope of Federal Rule of Civil Procedure 34 and for being unduly burdensome insofar as it purports to require a document-by-document recounting without regard to the date on which the document was created, the date on which it was lost, discarded, destroyed, or otherwise disposed of, or whether litigation involving the substance of the document was reasonably foreseeable at that time it was lost, discarded, destroyed or otherwise disposed of.

3. Defendants object to the definition of “COMMUNICATION” and “COMMUNICATIONS” insofar as they exceed the definition of “communication” provided in Local Civil Rule 26.3(c)(1). Defendants’ production of documents will be limited to the definition of “communication” provided in Local Civil Rule 26.3(c)(1). Defendants also object to this definition as beyond the scope of Rule 34 to the extent it purports to require Defendants to create records of “oral contact, such as face-to-face meetings, video conferences, or telephonic conversations.” Oral communications are not documents or things within the scope of Federal Rule of Civil Procedure 34 and, accordingly, Defendants will not be producing such information.

4. Defendants object to the definition of “IDENTIFY” in reference to “a person” as unduly burdensome and going beyond the requirements of Federal Rule of Civil Procedure 34 and Local Civil Rule 26.3(c)(3). Defendants object to the definition of “IDENTIFY” in reference to “a document” as unduly burdensome and going beyond the requirements of Federal Rule of Civil Procedure 34 and Local Civil Rule 26.3(c)(4). Defendants object to the definition of “IDENTIFY” in reference to “an event, occurrence, act, transaction or conversation” as unduly burdensome and going beyond the requirements of Federal Rule of Civil Procedure 34.

5. Defendants object to the definition of “PERSON OR PERSONS” insofar as it exceeds the definition of “person” provided in Local Civil Rule 26.3(c)(6). Defendants will limit their search and production to the definition of “person” provided in Local Civil Rule 26.3(c)(6).

6. Defendants object to the definition of “OTHER GOVERNMENT AGENCIES” on the basis that it is overbroad, unduly burdensome, and outside the scope of discovery, insofar as it would expand the scope of discovery to the entire federal government.

7. Defendants object to the definition of “TRUMP ADMINISTRATION” as overbroad. Defendants will interpret “TRUMP ADMINISTRATION” to mean President Trump in his official capacity as President, as well as any other current or former employee of the Executive Office of the President acting in his or her official capacity.

8. Defendants object to the definition of “TRUMP CAMPAIGN” as overly broad and ambiguous. It is beyond Defendants’ capacity to determine, for any given person, whether that person sought the election or reelection of President Trump.

### **OBJECTION TO ALL REQUESTS FOR PRODUCTION**

1. Defendants object to Plaintiffs’ discovery requests to the extent they seek documents that are publicly available, already produced to Plaintiffs in the administrative record, or are readily accessible to Plaintiffs or otherwise would be less burdensome for Plaintiffs to obtain than Defendants. *See* Fed. R. Civ. P. 26(b)(2)(C). Defendants will not reproduce documents already produced in the administrative record.

2. Defendants object to Plaintiffs’ requests to the extent that they seek (a) attorney work product; (b) communications protected by the attorney-client privilege; (c) information protected by the deliberative process privilege, the joint defense privilege, common interest privilege, or law enforcement privilege; (d) material the disclosure of which would violate legitimate privacy

**Request for Production No. 9.** All DOCUMENTS and COMMUNICATIONS that Defendants plan to introduce into evidence at trial.

**Objections:** Defendants object to this request on the ground that it is premature at this stage of the case, while discovery is still ongoing.

**Response:** Subject to and without waiving the above objection, Defendants refer Plaintiffs to the complete administrative record upon which the Secretary of Commerce based his decision to reinstate a question concerning citizenship on the 2020 Decennial Census, filed on June 8, 2018, *see* ECF No. 173, *New York v. U.S. Dep't of Commerce*, No. 18-cv-2921 (JMF), and the supplement to the administrative record, filed on June 21, 2018, *see* ECF No. 189, *New York v. U.S. Dep't of Commerce*, No. 18-cv-2921 (JMF).

## **OBJECTIONS AND RESPONSES TO INTERROGATORIES**

**Interrogatory No. 1.** With regard to the document found in the Administrative Record at 1321, please IDENTIFY:

- a. the “senior Administration officials” who “previously raised” reinstating the citizenship question;
- b. the “various discussions with other government officials about reinstating a citizenship question to the Census”;
- c. the consultations Secretary and his staff participated in when they “consulted with Federal governmental components”;
- d. the date on which the “senior Administration officials” who “previously raised” reinstating the citizenship question first raised this subject; and
- e. all PERSONS with whom the “senior Administration officials had previously raised” reinstating the citizenship question.

**Objections:** Defendants object to this interrogatory because it has five discrete subparts. This interrogatory therefore constitutes five interrogatories for purposes of the limit of 25 interrogatories.

*See* Fed. R. Civ. P. 33(a)(1).

Defendants further object to subparts b., c., and d. of this interrogatory insofar as they exceed the scope of information a party may seek at this stage of the litigation pursuant to Local Civil Rule 33.3(a). Consistent with this Local Civil Rule 33.3(a), Defendants construe subparts b.

and c. as requesting only the identities of individuals, and Defendants object to subpart d. as requesting information outside the scope of Local Civil Rule 33.3(a).

Defendants further object to this interrogatory to the extent that it seeks (a) communications or information protected by the attorney-client privilege or (b) communications or information protected by the deliberative process privilege.

Defendants further object to this interrogatory as vague and overbroad to the extent it seeks information about meetings or conversations with government officials and other persons whose identities are immaterial to the claims in this litigation, and because the burden of responding is disproportionate to the needs of this case. Specifically, Defendants object to subpart e. as overbroad and vague, as it sweeps in private conversations with any individual, without scope, that “senior Administration officials had previously raised” reinstating the citizenship question.

Defendants further object to the interrogatory to the extent that it purports to require the identification of the date, location, participants, and subject of any meetings involving the Executive Office of the President. *See Cheney v. U.S. District Court*, 542 U.S. 367, 388 (2004).

**Response:**

Subject to and without waiving these objections, Defendants state that the following individuals are responsive to this interrogatory:

- 1.a. Defendants have not to date been able to identify individuals responsive to subpart a. Defendants’ investigation is continuing, and Defendants will supplement this response as appropriate.
- 1.b. Subject to and without waiving the above objections: Mary Blanche Hanky, James McHenry, Gene Hamilton, John Gore, Danielle Cutrona, Jefferson Sessions, Kris Kobach, Steve Bannon, and Wilbur Ross.

1.c. Subject to and without waiving the above objections: Mary Blanche Hanky, James McHenry, Gene Hamilton, John Gore, Danielle Cutrona, Jefferson Sessions, Kris Kobach, Steve Bannon, and Wilbur Ross.

Defendants reserve the right to supplement this response with any additional relevant, responsive, non-privileged information that is within its possession, custody, or control and capable of being ascertained with reasonable diligence.

**Interrogatory No. 2.** Please IDENTIFY all persons involved in drafting, commenting on, or approving ROSS' March 26, 2018 memorandum.

**Objections:** Defendants object to this interrogatory to the extent that it seeks (a) communications or information protected by the attorney-client privilege or (b) communications or information protected by the deliberative process privilege.

Defendants further object to this interrogatory as vague and ambiguous with respect to the term "approving," as the Secretary alone approved the decision and memorandum. Defendants further object to this interrogatory as vague and ambiguous with respect to the term "commenting on."

**Response:**

Subject to and without waiving these objections, Defendants state that the following individuals are responsive to this interrogatory: John Abowd, Earl Comstock, Peter Davidson, Jessica Freitas, Ron Jarmin, Christa Jones, Karen Dunn Kelley, Enrique Lamas, James Uthmeier, Victoria Velkoff, Michael Walsh, and Attorneys at the Department of Justice.

Defendants reserve the right to supplement this response with any additional relevant, responsive, non-privileged information that is within its possession, custody, or control and capable of being ascertained with reasonable diligence.



Defendants reserve the right to supplement this response with any additional relevant, responsive, non-privileged information that is within its possession, custody, or control and capable of being ascertained with reasonable diligence.

As to Interrogatories, see Verification page *infra*.

As to objections:

Dated: August 13, 2018

CHAD A. READLER  
Acting Assistant Attorney General

BRETT A. SHUMATE  
Deputy Assistant Attorney General

JOHN R. GRIFFITHS  
Director, Federal Programs Branch

CARLOTTA P. WELLS  
Assistant Director, Federal Programs Branch

/s/ Kate Bailey  
KATE BAILEY  
GARRETT COYLE  
STEPHEN EHRLICH  
CAROL FEDERIGHI  
Trial Attorneys  
United States Department of Justice  
Civil Division, Federal Programs Branch  
20 Massachusetts Ave., N.W.  
Washington, DC 20530  
Tel.: (202) 514-9239  
Email: kate.bailey@usdoj.gov

*Counsel for Defendants*

**CERTIFICATION OF MICHAEL A. CANNON**

I certify under penalty of perjury that the foregoing response to Plaintiffs' interrogatories are true and correct to the best of my knowledge, information, belief, understanding, and recollection, with the understanding that the Department of Commerce is continuing to research its responses to the Plaintiffs' interrogatories and reserves the right to supplement its response.

Dated: 8/13/18

A handwritten signature in blue ink, appearing to read "Michael A. Cannon", is written over a horizontal line.

Michael A. Cannon

# **EXHIBIT 35**

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

NEW YORK IMMIGRATION  
COALITION, *et al.*,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF  
COMMERCE, *et al.*,

Defendants.

No. 1:18-cv-5025 (JMF)

**DEFENDANTS' SUPPLEMENTAL RESPONSES TO PLAINTIFFS' FIRST SET OF  
INTERROGATORIES TO DEFENDANTS UNITED STATES DEPARTMENT OF  
COMMERCE AND WILBUR ROSS**

Pursuant to Federal Rules of Civil Procedure 26, 33, and 34, Defendants United States Department of Commerce and Wilbur Ross submit these supplemental objections and responses to Plaintiffs' First Set of Interrogatories to Defendants United States Department of Commerce and Wilbur Ross, as modified by Plaintiffs' counsel by email dated August 27, 2018.

**OBJECTIONS AND RESPONSES TO INTERROGATORIES**

**Interrogatory No. 1.** With regard to the document found in the Administrative Record at 1321, please IDENTIFY:

- a. the "senior Administration officials" who "previously raised" reinstating the citizenship question;
- b. the "various discussions with other government officials about reinstating a citizenship question to the Census";
- c. the consultations Secretary and his staff participated in when they "consulted with Federal governmental components";
- d. the date on which the "senior Administration officials" who "previously raised" reinstating the citizenship question first raised this subject with SECRETARY ROSS or with COMMERCE; and
- e. all PERSONS with whom, to the knowledge of COMMERCE and SECRETARY ROSS, the "senior Administration officials had previously raised" reinstating the citizenship question.

**Objections:**

Defendants object to this interrogatory to the extent that it seeks (a) communications or information protected by the attorney-client privilege or (b) communications or information protected by the deliberative-process privilege.

Defendants further object to this interrogatory as vague and overbroad to the extent it seeks information about meetings or conversations with government officials and other persons whose identities are immaterial to the claims in this litigation, and because the burden of responding is disproportionate to the needs of this case.

**Response:**

After conducting a diligent search, Defendants do not distinguish among the terms used synonymously in the Secretary's Supplemental Memorandum: "senior Administration officials," "other government officials," and officials at other "Federal governmental components". In order to respond as fully as possible to this interrogatory, Defendants therefore will construe subparts a, b, and c, as coextensive and will identify, as a single group, the individuals within the executive branch but outside the Department of Commerce who, before the December 12, 2017 Department of Justice letter, and as referenced in the Secretary's Supplemental Memorandum, either (a) discussed the citizenship question with Secretary Ross, (b) had raised or discussed whether to reinstate a citizenship question, or (c) were consulted by Secretary Ross or his staff regarding whether the Department of Justice would support, and if so would request, inclusion of a citizenship question as consistent with and useful for enforcement of the Voting Rights Act. In accordance with that interpretation, and subject to and without waiving the above objections, Defendants identify the following individuals:

Mary Blanche Hankey, James McHenry, Gene Hamilton, Danielle Cutrona, John Gore and Jefferson Sessions. Although Kris Kobach is not a "government official" within the meaning of the Supplemental Memorandum, the Defendants identify him nonetheless for

the sake of completeness. Lastly, the Defendants cannot confirm that the Secretary spoke to Steve Bannon regarding the Citizenship Question. However, since the current Administrative Record indicates that Mr. Bannon was attempting to put Mr. Kobach in touch with the Secretary, the Defendants are also listing Mr. Bannon for the sake of completeness.

With respect to Interrogatory 1, subparagraphs a, d, and e, as reflected in the Administrative Record, Secretary Ross discussed the possible reinstatement of a citizenship question on the 2020 decennial census with Attorney General Sessions in August 2017. In addition, it is possible that the two had an additional discussion concerning this issue, and although the date of that conversation is unknown, Defendants believe it took place earlier in 2017.

As to Interrogatories, see Verification page *infra*.

As to objections:

Dated: August 30, 2018

JOSEPH H. HUNT  
Assistant Attorney General

BRETT A. SHUMATE  
Deputy Assistant Attorney General

JOHN R. GRIFFITHS  
Director, Federal Programs Branch

CARLOTTA P. WELLS  
Assistant Director, Federal Programs Branch

/s/ Kate Bailey  
KATE BAILEY  
GARRETT COYLE  
STEPHEN EHRLICH  
CAROL FEDERIGHI  
Trial Attorneys  
United States Department of Justice  
Civil Division, Federal Programs Branch  
20 Massachusetts Ave., N.W.  
Washington, DC 20530  
Tel.: (202) 514-9239  
Email: kate.bailey@usdoj.gov

*Counsel for Defendants*

**CERTIFICATION OF EARL COMSTOCK**

I certify under penalty of perjury that the foregoing supplemental response to Plaintiffs' Interrogatory No. 1 is true and correct to the best of my knowledge, information, belief, understanding, or recollection, with the understanding that the Department of Commerce is continuing to research its responses to Plaintiffs' interrogatories and reserves the right to further supplement its responses.

Dated: September 5, 2018

A handwritten signature in black ink, appearing to read 'Earl Comstock', written over a horizontal line.

Earl Comstock



# **EXHIBIT 36**

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**From:** Bailey, Kate (CIV) <[Kate.Bailey@usdoj.gov](mailto:Kate.Bailey@usdoj.gov)>

**Sent:** Friday, September 7, 2018 2:16 PM

**To:** Dale Ho; Freedman, John A.; Federighi, Carol (CIV); Coyle, Garrett (CIV); Kopplin, Rebecca M. (CIV); Halainen, Daniel J. (CIV); Tomlinson, Martin M. (CIV); Ehrlich, Stephen (CIV)

**Cc:** Sarah Brannon; Perry Grossman; Colangelo, Matthew; Bauer, Andrew; Gersch, David P.; Grossi, Peter T.; Weiner, David J.; Young, Dylan Scot; Kelly, Caroline; Saini, Ajay; Goldstein, Elena

**Subject:** RE: State of New York v. Department of Commerce, S.D.N.Y 18-CV-2921; NYIC v. Department of Commerce, S.D.N.Y. 18-CV-5025: Meet & Confer Request & Other Matters

Counsel,

Thank you for your email. Our responses are below, in red.

**Kate Bailey**

Trial Attorney

United States Department of Justice

Civil Division – Federal Programs Branch

20 Massachusetts Avenue, NW

Room 7214

Washington, D.C. 20530

202.514.9239 | [kate.bailey@usdoj.gov](mailto:kate.bailey@usdoj.gov)

**From:** Dale Ho [<mailto:dho@aclu.org>]

**Sent:** Thursday, September 06, 2018 4:38 PM

**To:** Bailey, Kate (CIV) <[katbaile@CIV.USDOJ.GOV](mailto:katbaile@CIV.USDOJ.GOV)>; Freedman, John A. <[John.Freedman@arnoldporter.com](mailto:John.Freedman@arnoldporter.com)>; Federighi, Carol (CIV) <[CFederig@CIV.USDOJ.GOV](mailto:CFederig@CIV.USDOJ.GOV)>; Coyle, Garrett (CIV) <[gcoyle@CIV.USDOJ.GOV](mailto:gcoyle@CIV.USDOJ.GOV)>; Kopplin, Rebecca M. (CIV) <[rkopplin@CIV.USDOJ.GOV](mailto:rkopplin@CIV.USDOJ.GOV)>; Halainen, Daniel J. (CIV) <[dhalaine@CIV.USDOJ.GOV](mailto:dhalaine@CIV.USDOJ.GOV)>;

Tomlinson, Martin M. (CIV) <[mtomlins@CIV.USDOJ.GOV](mailto:mtomlins@CIV.USDOJ.GOV)>; Ehrlich, Stephen (CIV) <[sehrlich@CIV.USDOJ.GOV](mailto:sehrlich@CIV.USDOJ.GOV)>  
Cc: Sarah Brannon <[sbrannon@aclu.org](mailto:sbrannon@aclu.org)>; Perry Grossman <[PGrossman@nyclu.org](mailto:PGrossman@nyclu.org)>; Colangelo, Matthew <[Matthew.Colangelo@ag.ny.gov](mailto:Matthew.Colangelo@ag.ny.gov)>; Bauer, Andrew <[Andrew.Bauer@arnoldporter.com](mailto:Andrew.Bauer@arnoldporter.com)>; Gersch, David P. <[David.Gersch@arnoldporter.com](mailto:David.Gersch@arnoldporter.com)>; Grossi, Peter T. <[Peter.Grossi@arnoldporter.com](mailto:Peter.Grossi@arnoldporter.com)>; Weiner, David J. <[David.Weiner@arnoldporter.com](mailto:David.Weiner@arnoldporter.com)>; Young, Dylan Scot <[Dylan.Young@arnoldporter.com](mailto:Dylan.Young@arnoldporter.com)>; Kelly, Caroline <[Caroline.Kelly@arnoldporter.com](mailto:Caroline.Kelly@arnoldporter.com)>; Saini, Ajay <[Ajay.Saini@ag.ny.gov](mailto:Ajay.Saini@ag.ny.gov)>; Goldstein, Elena <[Elena.Goldstein@ag.ny.gov](mailto:Elena.Goldstein@ag.ny.gov)>  
**Subject:** RE: State of New York v. Department of Commerce, S.D.N.Y. 18-CV-2921; NYIC v. Department of Commerce, S.D.N.Y. 18-CV-5025: Meet & Confer Request & Other Matters

Counsel,

Thank you for your response last night. We are conferring internally about narrowing terms to facilitate production of documents and will be back to you shortly. We will also get back to you about the draft status report soon. We write now to separately address the insufficiency of your supplemental response to our interrogatories.

**1. Defendant's Supplemental Interrogatory Response is facially deficient** because it was certified by Earl Comstock, who testified during his deposition last week that he does not have knowledge of the information sought in by Plaintiffs through Interrogatory 1.

- Interrogatory (1)(a) requests that you identify the "Senior Administration officials," referenced by Secretary Ross in AR 1321, who "previously raised" the issue of adding the citizenship question to the Census;
- (1)(d) requests that you identify when these officials raised the issue of the citizenship question; and
- (1)(e) requests that you identify with whom they raised this issue.

Mr. Comstock, however, testified repeatedly that he does not know, has no idea, and has never asked the Secretary who were the "senior administration officials" who "previously raised" the citizenship question referenced in the Secretary's memo. See Comstock Tr. at 111-113. Complete and accurate responses must be submitted by someone with actual knowledge of the information requested by Plaintiffs.

**Response:** As an initial matter, we disagree with your contention that Mr. Comstock “does not have knowledge of the information sought by Plaintiffs’ in Interrogatory 1.” For example, he expressly testified about his communications with individuals within the Department of Justice and the Department of Homeland Security regarding the possibility of reinstating a citizenship question on the 2020 decennial census. Moreover, the fact that Mr. Comstock may have lacked personal knowledge as to every aspect of the subject of the interrogatory in his capacity as an individual deponent under Rule 30 does not mean that he cannot sign an interrogatory as an officer or agent of a governmental agency based on information furnished to him in his official capacity. *See* Rule 33(b)(1)(B) (“The interrogatories must be answered if that part is . . . a governmental agency, by any officer or agent, who must furnish the information available to the party.”); *see Goldberger Co. v. Uneda Doll Co.*, 2017 WL 3098100, 88 (S.D.N.Y. July 21, 2017) (“Holtzman’s personal knowledge at his deposition is different than information he learned as an officer of Goldberger and corporate representative signing interrogatory responses.”); *3M Co. v. ACS Indus., Inc.*, 2016 WL 9308317, \*3 (D. Minn. Mar. 10, 2016) (holding that corporate agent that signed interrogatories did not need to have personal knowledge); *Chapman & Cole v. Intel Container Intern. B.V.*, 116 F.R.D. 550 (S.D. Tex. 1987) (holding that the phrase “such information as is available to the party” in Rule 33(a) has been construed to mean “all information available to the corporation’s officers, directors, employees and attorneys,” and thus does not require personal knowledge by the signatory). After Mr. Comstock’s deposition, he was furnished with information available to the Commerce Department sufficient for him to sign the interrogatory responses as an officer of the agency. Accordingly, Mr. Comstock’s signing of the supplemental interrogatory response is entirely appropriate.

**2. Defendant’s Supplemental Interrogatory Response omits the information sought by Plaintiffs in Interrogatory 1.** Defendant’s supplemental response indicates that Defendants “will construe subparts a, b, and c, as coextensive.” These subparts, however, clearly ask for different information:

**Interrogatories (1)(a), (d), and (e).** Interrogatory (1)(a) requests that you identify the “senior Administration officials” who “previously raised” reinstating the citizenship question. In AR 1321, Secretary Ross states, “[s]oon after my appointment as Secretary of Commerce, I began considering various fundamental issues regarding the upcoming 2020 Census, including... reinstating the citizenship question, which other Senior Administration officials had **previously raised.**” (emphasis added). Interrogatory (1)(a) therefore clearly requests that you identify the Administration officials to whom Secretary Ross referred as having “previously raised” the issue of adding the citizenship question to the Census **prior to** Secretary Ross’s consideration of this issue. As noted, (1)(d) requests that you identify when these officials raised the citizenship question, and (1)(e) requests that you identify with whom they raised this issue.

The supplemental response, however, does not provide an answer to subparts (1)(a), (d), or (e). While the supplemental response identifies a conversation between Secretary Ross and Attorney General Sessions in August 2017, and a "possible" conversation between them prior to then, it does not identify which Senior Administration officials "previously raised" the issue before Secretary Ross's consideration of it (which appears to have occurred "months prior" to May 2017), when they did so, or with whom.

**Interrogatory (1)(b)** requests that you identify the individuals referenced in Secretary Ross's statement that he and his staff had "various discussions with other government officials about reinstating a citizenship question to the Census." Interrogatory (1)(b) therefore clearly requests that you identify the government officials with whom Secretary Ross and his staff discussed the issue of the citizenship question **around the time of and after** Secretary Ross's initial consideration of this issue. The supplemental response, however, does not clearly identify with which government officials Secretary Ross and his staff discussed the citizenship question around the time of and after his initial consideration of the issue (1)(b).

**Interrogatory (1)(c)** requests that you identify the consultations Secretary and his staff participated in when they "consulted with Federal governmental components." In AR 1321, Secretary Ross states that, "[a]s part of that deliberative process, my staff and I consulted with Federal governmental components and inquired whether the Department of Justice (DOJ) would support, and if so would request, inclusion of a citizenship question..." Interrogatory (1)(b) therefore clearly requests that you identify the **government agencies** with whom Secretary Ross and his staff consulted as part of his deliberative process. The supplemental response, however, does not do so.

**RESPONSE:** As indicated in Commerce's supplemental response, Commerce treated the three phrases identified in the subparts of the interrogatory interchangeably and did not intend to treat these three subgroups with the level of specificity that you now seek. To provide you the most complete information we could, we identified each of the individuals who would be responsive to this interrogatory and its subparts as a whole, as well as dates to the extent such dates could be identified. We do not have any additional information at this juncture that would permit Commerce to provide more specific responses.

Plaintiffs' interrogatories were propounded on July 12 and responses have been due for almost two months. Interrogatory 1 requests simple information referenced by the Secretary in the Administrative Record in a memo less than three months ago. Complete responses—certified by an individual with actual knowledge of the information sought—should be a simple matter to produce immediately.

Please advise when you are able to meet-and-confer on these issues tomorrow.

Regards,

**Dale Ho**

*(Pronouns: He/Him/His)*

Director, Voting Rights Project

American Civil Liberties Union

125 Broad St.

New York, NY 10004

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**From:** Bailey, Kate (CIV) [<mailto:Kate.Bailey@usdoj.gov>]

**Sent:** Wednesday, September 05, 2018 6:01 PM

**To:** Freedman, John A.; Federighi, Carol (CIV); Coyle, Garrett (CIV); Kopplin, Rebecca M. (CIV);

Halainen, Daniel J. (CIV); Tomlinson, Martin M. (CIV); Ehrlich, Stephen (CIV)

**Cc:** Sarah Brannon; Perry Grossman; Colangelo, Matthew; Bauer, Andrew; Gersch, David P.; Grossi, Peter T.; Weiner, David J.; Young, Dylan Scot; Kelly, Caroline; Saini, Ajay; Goldstein, Elena; Dale Ho

**Subject:** RE: State of New York v. Department of Commerce, S.D.N.Y. 18-CV-2921; NYIC v. Department of Commerce, S.D.N.Y. 18-CV-5025: Meet & Confer Request & Other Matters

Counsel,

Please find attached (1) a letter to accompany our second production of documents responsive to the DOJ subpoena; (2) a privilege log for that production; and (3) our supplemental response to NYIC Plaintiffs' first interrogatory. The password for the disk that will be delivered to you shortly is F3dprg20M!!!

We look forward to receiving your response regarding our proposal to eliminate grounds of dispute in Plaintiffs' fifth motion to compel.

**Kate Bailey**

Trial Attorney

United States Department of Justice

Civil Division – Federal Programs Branch

20 Massachusetts Avenue, NW

Room 7214

Washington, D.C. 20530

202.514.9239 | [kate.bailey@usdoj.gov](mailto:kate.bailey@usdoj.gov)

**From:** Freedman, John A. [<mailto:John.Freedman@arnoldporter.com>]  
**Sent:** Wednesday, September 05, 2018 2:27 PM  
**To:** Bailey, Kate (CIV) <[katbaile@CIV.USDOJ.GOV](mailto:katbaile@CIV.USDOJ.GOV)>; Federighi, Carol (CIV) <[CFederig@CIV.USDOJ.GOV](mailto:CFederig@CIV.USDOJ.GOV)>; Coyle, Garrett (CIV) <[gcoyle@CIV.USDOJ.GOV](mailto:gcoyle@CIV.USDOJ.GOV)>; Kopplin, Rebecca M. (CIV) <[rkopplin@CIV.USDOJ.GOV](mailto:rkopplin@CIV.USDOJ.GOV)>; Halainen, Daniel J. (CIV) <[dhalaine@CIV.USDOJ.GOV](mailto:dhalaine@CIV.USDOJ.GOV)>; Tomlinson, Martin M. (CIV) <[mtomlins@CIV.USDOJ.GOV](mailto:mtomlins@CIV.USDOJ.GOV)>; Ehrlich, Stephen (CIV) <[sehrlich@CIV.USDOJ.GOV](mailto:sehrlich@CIV.USDOJ.GOV)>  
**Cc:** [SBrannon@aclu.org](mailto:SBrannon@aclu.org); [PGrossman@nyclu.org](mailto:PGrossman@nyclu.org); Colangelo, Matthew <[Matthew.Colangelo@ag.ny.gov](mailto:Matthew.Colangelo@ag.ny.gov)>; Bauer, Andrew <[Andrew.Bauer@arnoldporter.com](mailto:Andrew.Bauer@arnoldporter.com)>; Gersch, David P. <[David.Gersch@arnoldporter.com](mailto:David.Gersch@arnoldporter.com)>; Grossi, Peter T. <[Peter.Grossi@arnoldporter.com](mailto:Peter.Grossi@arnoldporter.com)>; Weiner, David J. <[David.Weiner@arnoldporter.com](mailto:David.Weiner@arnoldporter.com)>; Young, Dylan Scot <[Dylan.Young@arnoldporter.com](mailto:Dylan.Young@arnoldporter.com)>; Kelly, Caroline <[Caroline.Kelly@arnoldporter.com](mailto:Caroline.Kelly@arnoldporter.com)>; Saini, Ajay <[Ajay.Saini@ag.ny.gov](mailto:Ajay.Saini@ag.ny.gov)>; Goldstein, Elena <[Elena.Goldstein@ag.ny.gov](mailto:Elena.Goldstein@ag.ny.gov)>; [DHo@aclu.org](mailto:DHo@aclu.org)  
**Subject:** RE: State of New York v. Department of Commerce, S.D.N.Y 18-CV-2921; NYIC v. Department of Commerce, S.D.N.Y. 18-CV-5025: Meet & Confer Request & Other Matters

Counsel --

4:30 works for Plaintiffs. I will send a calendar invite, but we can use 866-802-1366, code 1658 0328.

Also -- attached please find a working draft of the joint status report.

Talk soon,

John

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John A. Freedman  
**Arnold & Porter**  
601 Massachusetts Avenue, NW  
Washington, DC 20001



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**From:** Bailey, Kate (CIV) [<mailto:Kate.Bailey@usdoj.gov>]  
**Sent:** Wednesday, September 05, 2018 1:58 PM  
**To:** Freedman, John A.; Federighi, Carol (CIV); Coyle, Garrett (CIV); Kopplin, Rebecca M. (CIV); Halainen, Daniel J. (CIV); Tomlinson, Martin M. (CIV); Ehrlich, Stephen (CIV)  
**Cc:** [zzz.External.SBrannon@aclu.org](mailto:zzz.External.SBrannon@aclu.org); [zzz.External.PGrossman@nyclu.org](mailto:zzz.External.PGrossman@nyclu.org); Colangelo, Matthew; Bauer, Andrew; Gersch, David P.; Grossi, Peter T.; Weiner, David J.; Young, Dylan Scot; Kelly, Caroline; Saini, Ajay; Goldstein, Elena; [zzz.External.DHo@aclu.org](mailto:zzz.External.DHo@aclu.org)  
**Subject:** RE: State of New York v. Department of Commerce, S.D.N.Y 18-CV-2921; NYIC v. Department of Commerce, S.D.N.Y. 18-CV-5025: Meet & Confer Request & Other Matters

Counsel,

Are you available for a meet and confer today at 4:30pm? If not, please suggest an alternate time.

Thank you,

**Kate Bailey**

Trial Attorney

United States Department of Justice

Civil Division – Federal Programs Branch

20 Massachusetts Avenue, NW

Room 7214

Washington, D.C. 20530

202.514.9239 | [kate.bailey@usdoj.gov](mailto:kate.bailey@usdoj.gov)

**From:** Freedman, John A. [<mailto:John.Freedman@arnoldporter.com>]

**Sent:** Tuesday, September 04, 2018 6:08 PM

**To:** Bailey, Kate (CIV) <[katbaile@CIV.USDOJ.GOV](mailto:katbaile@CIV.USDOJ.GOV)>; Federighi, Carol (CIV) <[CFederig@CIV.USDOJ.GOV](mailto:CFederig@CIV.USDOJ.GOV)>; Coyle, Garrett (CIV) <[gcoyle@CIV.USDOJ.GOV](mailto:gcoyle@CIV.USDOJ.GOV)>; Kopplin, Rebecca M. (CIV) <[rkopplin@CIV.USDOJ.GOV](mailto:rkopplin@CIV.USDOJ.GOV)>; Halainen, Daniel J. (CIV) <[dhalaine@CIV.USDOJ.GOV](mailto:dhalaine@CIV.USDOJ.GOV)>; Tomlinson, Martin M. (CIV) <[mtomlins@CIV.USDOJ.GOV](mailto:mtomlins@CIV.USDOJ.GOV)>; Ehrlich, Stephen (CIV) <[sehrlich@CIV.USDOJ.GOV](mailto:sehrlich@CIV.USDOJ.GOV)>

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**Subject:** State of New York v. Department of Commerce, S.D.N.Y. 18-CV-2921; NYIC v. Department of Commerce, S.D.N.Y. 18-CV-5025: Meet & Confer Request & Other Matters

Counsel --

There are several points we wanted to check in on, some of which we should cover in a meet and confer -- a proposed agenda is set forth below:

1. Please advise as to the timing when you will produce additional Department of Justice documents. We understood from Kate's August 27 email, as well as statements during the August 31 meet and confer that there was another tranche ready for production as soon as the clawback order was entered. As we previously advised, the priority should be materials from

and communications involving Mssrs. Gore and Gary. Given the timing of Mr. Gore's deposition and now that the clawback order is in place, these should be produced promptly.

2. With regard to your motion to stay, can you clarify whether the relief you are seeking would stay the parties obligations to make expert disclosures?

For the meet and confer, we would propose the following agenda:

1. Whether Defendants will make Secretary Ross available for deposition.
2. Defendants production of the materials discussed in my August 29 email that Dr. Abowd discussed at his deposition -- the Velkoff randomized controlled trials and the Reingold/Young & Rubicam documents.
3. The Parties' joint status report, which is due Thursday. We have been working on a draft submission, which we will provide tomorrow. For planning purposes, please advise whether the Defendants will voluntarily make Secretary Ross, Ms. Dunn Kelley, Ms. Teramoto, or Mr. Comstock available to testify at trial.

We are available to discuss tomorrow.

Thanks and best regards,

John

---

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# **EXHIBIT 37**

I9e6stac

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

3 STATE OF NEW YORK, et al.,

4 Plaintiffs,

5 v.

18 Civ. 2921 (JMF)

6 UNITED STATES DEPARTMENT OF  
7 COMMERCE, et al.,

Conference

8 Defendants.

9  
10 -----x  
11 NEW YORK IMMIGRATION  
12 COALITION, et al.,

13 Plaintiffs,

14 v.

18 Civ. 5025 (JMF)

15 UNITED STATES DEPARTMENT OF  
16 COMMERCE, et al.,

17 Defendants.

18 -----x  
19  
20 New York, N.Y.  
September 14, 2018  
2:00 p.m.

21 Before:

22 HON. JESSE M. FURMAN,

23 District Judge

I9e6stac

1 interrogatory to Question 1 A and not asked Question 1 B about  
2 who secretary -- with whom Secretary Ross consulted afterwards  
3 that this would be a very clearly defined in terms of the  
4 temporal nature of the request who he was asking for the  
5 defendants to identify. If they cannot do that, they ought to  
6 at least be able to identify who is involved in the drafting of  
7 this memo so we can question that person.

8 THE COURT: Ms. Bailey or Ms. Wells, Mr. Hoe's points  
9 I think are somewhat well taken, which is to say that somebody  
10 knew enough to state in that memorandum in Secretary Ross's  
11 words and under his signature that the issue was raised by  
12 senior administration officials. Presumably someone may know  
13 who those people are. Again, let's put aside for the moment  
14 whether that bears on the question whether Secretary Ross  
15 should be deposed.

16 I would think that that information should be  
17 available somehow, no?

18 MS. BAILEY: Your Honor, the defendants have  
19 undertaken a reasonable inquiry to ascertain the information  
20 that plaintiffs are looking for and we have provided all of the  
21 information that is available within the agency at this time.  
22 In drafting the memo, we advised that the drafters did not  
23 intend a level of specificity that the plaintiffs are looking  
24 for and that the information that they can seeking is not  
25 available after a reasonable inquiry in the department.

I9e6stac

1 THE COURT: Well, the question put simply can somebody  
2 identify who Secretary Ross spoke to about this issue before  
3 the December letter from Department of Justice or before some  
4 date even earlier than that?

5 MS. BAILEY: After undertaking an a reasonable search,  
6 we have identified all the individuals that we believe were  
7 involved in discussions that the defendants are aware of  
8 involved in discussions about this before DOJ's letter. As far  
9 as who first raised it and exactly when that information is  
10 unavailable after a reasonable inquiry.

11 THE COURT: Did that reasonable inquiry involve  
12 consultation with Secretary Ross?

13 MS. BAILEY: Yes, your Honor, it did.

14 THE COURT: Well, again, I think it may well bear on  
15 the question that I am being asked to decide about deposing  
16 him. Beyond that one cannot draw blood from a stone. I do not  
17 know what to do since defendants claim that they have conducted  
18 a reasonable inquiry and that there is no further information  
19 that they have to provide.

20 MS. BAILEY: Your Honor, respectfully we don't think  
21 the amount of information available would differ depending on  
22 the circumstances. Additional information isn't available. We  
23 don't think it will bear on the propriety of deposing Secretary  
24 Ross.

25 THE COURT: I certainly understand that argument. I



# **EXHIBIT 38**

Row	Prod.:Beg. Bate	Prod.:End Bates	Prod.:Beg. Attac	Prod.:End Attac	To	FROM	CC	DATE / SENT	AUTHOR	DATE TIME CRTD	FILENAME	Redacted or	Privilege	Privilege Log Description
670	DOJ00030041	DOJ00030041	DOJ00030040	DOJ00030041	N/A	N/A	N/A		Alex Haas	6/20/2018 16:35	Supp Memo.docx	WIF	ACP; AWP; DPP	A draft filing in this case, which contains the mental impressions and strategies of the DOJ attorneys litigating this case, and also pre-dates the final filing.
679	DOJ00030326	DOJ00030326	DOJ00030326	DOJ00030327	Gore, John (CRT); Tucker, Rachael (OAG); Readler, Chad A. (CIV); McArthur, Eric (OASG); Murray, Michael (ODAG); Haas, Alex (CIV); O'Malley, Devin (OPA)	Shumate, Brett A. (CIV)	N/A	6/19/2018 14:14			census supplemental record.msg	WIF	ACP; AWP; DPP; PII	Email between DOJ attorneys discussing an upcoming, non-final production in this case. The email contains the mental impressions and strategies of the DOJ attorneys litigating this case, and also contains their thoughts and opinions about a non-final production that pre-dates the final production.
935	DOJ00034258	DOJ00034258	DOJ00034258	DOJ00034258	Mooppan, Hashim (CIV)	Gore, John (CRT)	N/A	6/15/18 8:03 AM			Fwd: Census.msg	WIF	AWP; DPP; PII	Communications between DOJ attorneys discussing their views on draft language for a filing in this litigation.
1447	DOJ00036811	DOJ00036811	DOJ00036811	DOJ00036811	Tucker, Rachael (OAG); O'Malley, Devin (OPA); Gore, John (CRT);Readler, Chad A. (CIV)	Shumate, Brett A. (CIV)	N/A	6/14/18 9:57 PM			201806159028001~201806150157570000~z~10782ba7d970518e394a62e3eb5cfda1.eml	Redacted	DPP; PII	PII redacted to avoid unsolicited contact. Redacted draft language DOJ attorneys proposed for a file.
1448	DOJ00036812	DOJ00036812	DOJ00036812	DOJ00036813	Gore, John (CRT); Tucker, Rachael (OAG); Murray, Michael (ODAG)	Shumate, Brett A. (CIV)	N/A	6/21/18 1:37 PM			201806219602743~201806211737250000~z~B1146B76A19DC06EC411B35C76D53011.EML	Redacted	PII	PII redacted

Row	Prod.:Begin Bates	Prod.:End Bates	Prod.:Begin Attach.	Prod.:End Attach.	To	From	CC	Date/Sent	Arthur	Date/Created	Filename	Redacted or WIF	Privilege	Privilege Log Description
2573	DOJ00126089	DOJ00126089	DOJ00126089	DOJ00126090	Goldsmith, Aaron (CIV); McArthur, Eric (OASG)	Shumate, Brett A. (CIV)	Haas, Alex (CIV); Mooppan, Hashim (CIV); Readler, Chad A. (CIV); McArthur, Eric (OASG)	6/20/18 10:49 AM			201806209506323 201806201449590000 Z91486B44B2AA448F86210A2CC2E7AFA1(1).E ML	Redacted	AWP; DPP	Email between DOJ attorneys seeking input on a draft filing in this case. The email contains the mental impressions and strategies of the DOJ attorneys litigating this case, and also contains their thoughts and opinions about a non-final draft that pre-dates the final filing.
2574	DOJ00126090	DOJ00126090	DOJ00126089	DOJ00126090	N/A	N/A	N/A		Alex Haas	6/20/18 10:14 AM	Proposed Supp Ross Memo 062018 1030.docx	WIF	AWP; DPP	A draft filing in this case, circulated for the purpose of obtaining input from other DOJ attorneys, which contains the mental impressions and strategies of the DOJ attorneys litigating this case, and also pre-dates the final filing.
2575	DOJ00126091	DOJ00126091	DOJ00126091	DOJ00126092	McArthur, Eric (OASG); Goldsmith, Andrew (ODAG)	Shumate, Brett A. (CIV)	Haas, Alex (CIV); Mooppan, Hashim (CIV); Readler, Chad A. (CIV); McArthur, Eric (OASG)	6/20/18 10:55 AM			201806209506626~201806201455010000~Z~915C99B1C46335901C091E643C914BA1(1).E ML	WIF	AWP; DPP	Email between DOJ attorneys seeking input on a draft filing in this case.
2576	DOJ00126092	DOJ00126092	DOJ00126091	DOJ00126092	N/A	N/A	N/A		Alex Haas	6/20/18 10:14 AM	Proposed Supp Ross Memo 062018 1030.docx	WIF	AWP; DPP	A draft filing in this case, circulated for the purpose of obtaining input from other DOJ attorneys, which contains the mental impressions and strategies of the DOJ attorneys litigating this case, and also pre-dates the final filing.
2577	DOJ00126093	DOJ00126093	DOJ00126093	DOJ00126094	Shumate, Brett A. (CIV); McArthur, Eric (OASG)	Goldsmith, Andrew (ODAG)	Haas, Alex (CIV); Mooppan, Hashim (CIV); Readler, Chad A. (CIV); McArthur, Eric (OASG); Murray, Michael (ODAG)	6/20/18 11:15 AM			201806209507881~201806201515510000~Z~A04827A74B57C9344B07685069EFCF41(1).E ML	WIF	AWP; DPP	Email between DOJ attorneys seeking input on a draft filing in this case.
2578	DOJ00126094	DOJ00126094	DOJ00126093	DOJ00126094	N/A	N/A	N/A		Alex Haas	6/20/18 10:14 AM	Proposed Supp Ross Memo 062018 1030.docx	WIF	AWP; DPP	A draft filing in this case, circulated for the purpose of obtaining input from other DOJ attorneys, which contains the mental impressions and strategies of the DOJ attorneys litigating this case, and also pre-dates the final filing.
2581	DOJ00126097	DOJ00126097	DOJ00126097	DOJ00126098	numerous	Murray, Michael (ODAG)	N/A	6/20/18 11:44 AM			201806209509565~201806201544130000~Z~A0B87A9577467A1EBD8BF3E570FD6B61(1).E ML	WIF	AWP; DPP	Email between DOJ attorneys seeking input on a draft filing in this case.
2582	DOJ00126098	DOJ00126098	DOJ00126097	DOJ00126098	N/A	N/A	N/A		Alex Haas	6/20/18 10:14 AM	Proposed Supp Ross Memo 062018 1030.docx	Redacted	AWP; DPP	A draft filing in this case, circulated for the purpose of obtaining input from other DOJ attorneys, which contains the mental impressions and strategies of the DOJ attorneys litigating this case, and also pre-dates the final filing.
2605	DOJ00126121	DOJ00126121	DOJ00126121	DOJ00126122	numerous	Wall, Jeffrey B. (OSG)	N/A	6/20/18 4:02 PM			201806209525107 201806202002530000 ZD08C90735675D6AE5A1029621DCC6B81(1).E ML	WIF	AWP; DPP	Email between DOJ attorneys seeking input on a draft filing in this case. The email contains the mental impressions and strategies of the DOJ attorneys litigating this case, and also contains their thoughts and opinions about a non-final draft that pre-dates the final filing.

Row	Prod.:Begin Bates	Prod.:End Bates	Prod.:Begin Attach.	Prod.:End Attach.	To	From	CC	Date/Sent	Arthur	Date/Created	Filename	Redacted or WIF	Privilege	Privilege Log Description
2606	DOJ00126122	DOJ00126122	DOJ00126121	DOJ00126122	N/A	N/A	N/A		Alex Haas	6/20/18 3:51 PM	REVISED Supp Ross Memo.docx	WIF	AWP; DPP	A draft filing in this case, circulated for the purpose of obtaining input from other DOJ attorneys, which contains the mental impressions and strategies of the DOJ attorneys litigating this case, and also pre-dates the final filing.
2607	DOJ00126123	DOJ00126123	DOJ00126123	DOJ00126124	numerous	Oestericher, Jeffrey (USANYS)	N/A	6/20/18 4:39 PM			201806209527262 20 1806202039210000 Z D11C4400F2569AA0A4 C4DC82F8994021(1).E ML	WIF	AWP; DPP	Email between DOJ attorneys seeking input on a draft filing in this case. The email contains the mental impressions and strategies of the DOJ attorneys litigating this case, and also contains their thoughts and opinions about a non-final draft that pre-dates the final filing.
2608	DOJ00126124	DOJ00126124	DOJ00126123	DOJ00126124	N/A	N/A	N/A		Alex Haas	6/20/18 4:35 PM	REVISED Supp Ross Memo (jo).docx	WIF	AWP; DPP	A draft filing in this case, circulated for the purpose of obtaining input from other DOJ attorneys, which contains the mental impressions and strategies of the DOJ attorneys litigating this case, and also pre-dates the final filing.
2609	DOJ00126125	DOJ00126125	DOJ00126125	DOJ00126126	numerous	Oestericher, Jeffrey (USANYS)	N/A	6/20/18 4:39 PM			201806209527264 20 1806202039210000 Z D11C741BB2E7EFCE51 F233C0106A06A1(1).E ML	WIF	AWP; DPP	Email between DOJ attorneys seeking input on a draft filing in this case. The email contains the mental impressions and strategies of the DOJ attorneys litigating this case, and also contains their thoughts and opinions about a non-final draft that pre-dates the final filing.
2610	DOJ00126126	DOJ00126126	DOJ00126125	DOJ00126126	N/A	N/A	N/A		Alex Haas	6/20/18 4:35 PM	REVISED Supp Ross Memo (jo).docx	WIF	AWP; DPP	A draft filing in this case, circulated for the purpose of obtaining input from other DOJ attorneys, which contains the mental impressions and strategies of the DOJ attorneys litigating this case, and also pre-dates the final filing.
2611	DOJ00126127	DOJ00126127	DOJ00126127	DOJ00126128	Walsh, Michael (Commerce)	Shumate, Brett A. (CIV)	McArthur, Eric (OASG); Mooppan, Hashim (CIV)	6/20/18 5:33 PM			201806209530502 20 1806202133010000 Z E08C4DE443122D99AA FA441B5B0CB811(1).E ML	WIF	AWP; DPP	Email between seeking input on a draft filing in this case.
2612	DOJ00126128	DOJ00126128	DOJ00126127	DOJ00126128	N/A	N/A	N/A		Alex Haas	6/20/18 4:35 PM	Supp Memo.docx	WIF	AWP; DPP	A draft filing in this case, circulated for the purpose of obtaining input, which contains the mental impressions and strategies of the DOJ attorneys litigating this case, and also pre-dates the final filing.
2613	DOJ00126129	DOJ00126129	DOJ00126129	DOJ00126130	Mooppan, Hashim (CIV); Readler, Chad A. (CIV); Haas, Alex (CIV); Wall, Jeffrey B. (OSG); Murray, Michael (ODAG); Tucker, Rachael (OAG); McArthur, Eric (OASG)	Shumate, Brett A. (CIV)	N/A	6/20/18 5:38 PM			201806209530805 20 1806202138100000 Z E0A0702773913C6BED 0521A9A78B9081(1).E ML	WIF	AWP; DPP	Email between seeking input on a draft filing in this case. The email contains the mental impressions and strategies of the DOJ attorneys litigating this case, and also contains their thoughts and opinions about a non-final draft that pre-dates the final filing.
2614	DOJ00126130	DOJ00126130	DOJ00126129	DOJ00126130	N/A	N/A	N/A		Alex Haas	6/20/18 4:35 PM	Supp Memo.docx	WIF	AWP; DPP	A draft filing in this case, circulated for the purpose of obtaining input, which contains the mental impressions and strategies of the DOJ attorneys litigating this case, and also pre-dates the final filing.

Row	Prod.:Begin Bates	Prod.:End Bates	Prod.:Begin Attach.	Prod.:End Attach.	To	From	CC	Date/Sent	Arthur	Date/Created	Filename	Redacted or WIF	Privilege	Privilege Log Description
2617	DOJ00126133	DOJ00126133	DOJ00126133	DOJ00126134	Shumate, Brett A. (CIV)	Walsh, Michael (Commerce)	McArthur, Eric (OASG); Mooppan, Hashim (CIV)	6/21/18 9:15 AM			201806219587143 201806211315160000 Z 813C611A45D3AC3A63 4349A40C756B91(1).E ML	WIF	AWP; DPP	Email between seeking input on a draft filing in this case. The email contains the mental impressions and strategies of the DOJ attorneys litigating this case, and also contains their thoughts and opinions about a non-final draft that pre-dates the final filing.
2618	DOJ00126134	DOJ00126134	DOJ00126133	DOJ00126134	N/A	N/A	N/A		Alex Haas	6/20/18 4:35 PM	Supp Memo.docx	WIF	AWP; DPP	A draft filing in this case, circulated for the purpose of obtaining input, which contains the mental impressions and strategies of the DOJ attorneys litigating this case, and also pre-dates the final filing.
2619	DOJ00126135	DOJ00126135	DOJ00126135	DOJ00126136	numerous	Shumate, Brett A. (CIV)	N/A	6/21/18 9:21 AM			201806219587385 201806211321320000 Z 814C88ACA7D0179E22 08E85A83F94501(1).E ML	WIF	AWP; DPP	Email between seeking input on a draft filing in this case. The email contains the mental impressions and strategies of the DOJ attorneys litigating this case, and also contains their thoughts and opinions about a non-final draft that pre-dates the final filing.
2620	DOJ00126136	DOJ00126136	DOJ00126135	DOJ00126136	N/A	N/A	N/A		Alex Haas	6/20/18 4:35 PM	Supp Memo.docx	WIF	AWP; DPP	A draft filing in this case, circulated for the purpose of obtaining input, which contains the mental impressions and strategies of the DOJ attorneys litigating this case, and also pre-dates the final filing.
2621	DOJ00126137	DOJ00126137	DOJ00126137	DOJ00126138	Mooppan, Hashim (CIV); McArthur, Eric (OASG)	Shumate, Brett A. (CIV)	N/A	6/21/18 9:23 AM			201806219587501 201806211323400000 Z 815441ABE92FBEB0C1 062D21507187B1(1).E ML	WIF	AWP; DPP	Email between seeking input on a draft filing in this case. The email contains the mental impressions and strategies of the DOJ attorneys litigating this case, and also contains their thoughts and opinions about a non-final draft that pre-dates the final filing.
2622	DOJ00126138	DOJ00126138	DOJ00126137	DOJ00126138	N/A	N/A	N/A		bshumate	6/21/18 9:23 AM	Supp Memo (003).pdf	WIF	AWP	A draft filing in this case, circulated for the purpose of obtaining input from other DOJ attorneys, which contains the mental impressions and strategies of the DOJ attorneys litigating this case, and also pre-dates the final filing.
2623	DOJ00126139	DOJ00126139	DOJ00126139	DOJ00126140	Shumate, Brett A. (CIV)	Walsh, Michael (Commerce)	McArthur, Eric (OASG); Mooppan, Hashim (CIV)	6/21/18 1:26 PM			201806219602142 201806211726020000 Z B0EC4276774D9C8095 638C61C67B7A11(1).E ML	WIF	AWP; DPP	Redaction made to draft memorandum written by Secretary Ross regarding census litigation.
2624	DOJ00126140	DOJ00126140	DOJ00126139	DOJ00126140	N/A	N/A	N/A			6/21/18 2:40 PM	Ross Supp. Memo re Census Lit. AR.PDF	WIF	AWP	Redaction made to draft memorandum written by Secretary Ross regarding census litigation.
2661	DOJ00126289	DOJ00126289	DOJ00126289	DOJ00126290	Shumate, Brett A. (CIV)	Walsh, Michael (Commerce)	McArthur, Eric (OASG); Mooppan, Hashim (CIV)	6/21/18 1:26 PM			Supplemental Memo.msg	Redacted	AWP; DPP; PII	Redacted for PII (email), and draft of supplemental Memo regarding administrative record in census litigation.
2662	DOJ00126290	DOJ00126290	DOJ00126289	DOJ00126290	N/A	N/A	N/A			6/21/18 2:40 PM	Ross Supp. Memo re Census Lit. AR.PDF	WIF	AWP; DPP	A draft filing in this case, circulated for the purpose of obtaining input from DOJ attorneys, which contains the mental impressions and strategies of attorneys, and also pre-dates the final filing.
2663	DOJ00126291	DOJ00126291	DOJ00126291	DOJ00126292	Shumate, Brett A. (CIV)	Walsh, Michael (Commerce)	McArthur, Eric (OASG); Mooppan, Hashim (CIV)	6/21/18 9:15 AM			PRIVILEGED/DELIBERATIVE.msg	WIF	ACP; AWP; DPP; PII	Email between DOJ attorneys and attorneys at the Department of Commerce addressing a draft filing in this litigation.

Row	Prod.:Begin Bates	Prod.:End Bates	Prod.:Begin Attach.	Prod.:End Attach.	To	From	CC	Date/Sent	Arthur	Date/Created	Filename	Redacted or WIF	Privilege	Privilege Log Description
2664	DOJ00126292	DOJ00126292	DOJ00126291	DOJ00126292	N/A	N/A	N/A		Alex Haas	6/20/18 4:35 PM	Supp Memo.docx	WIF	ACP; AWP; DPP	Draft of a filing in this litigation, provided to Commerce for the purpose of providing legal advice. The draft includes edits by an attorney that would reveal that attorneys' mental impressions and pre-dates the final filing in this case.
2667	DOJ00126295	DOJ00126295	DOJ00126295	DOJ00126295	Shumate, Brett A. (CIV); Mooppan, Hashim (CIV)	McArthur, Eric (OASG)	Readler, Chad A. (CIV); Haas, Alex (CIV)	6/20/18 12:50 PM			RE: 2018_06_19 Declaration Supplementing AR KB.msg	WIF	AWP; DPP	Email among DOJ attorneys discussing a draft supplemental statement in this case. The email contains DOJ attorneys' advice and opinions about how to proceed with the case, and mental impressions about the case. This discussion also pre-dates the statement and would reveal DOJ's decisionmaking process.
2668	DOJ00126296	DOJ00126296	DOJ00126296	DOJ00126299	Wall, Jeffrey B. (OSG); Kneedler, Edwin S (OSG)	McArthur, Eric (OASG)	N/A	6/20/18 12:36 PM			census meeting materials.msg	WIF	AWP; DPP	Email between DOJ attorneys seeking input on a draft filing in this case. The email contains the mental impressions and strategies of the DOJ attorneys litigating this case, and also contains their thoughts and opinions about a non-final draft that pre-dates the final filing.
2669	DOJ00126297	DOJ00126297	DOJ00126296	DOJ00126299	N/A	N/A	N/A		DTarczynska	6/20/18 12:31 PM	Proposed Declaration Supplementing AR (SDNY).docx	WIF	AWP; DPP	Draft filing prepared by DOJ attorneys for this case that reflects the mental impressions of DOJ attorneys and pre-dates any final filing.
2670	DOJ00126298	DOJ00126298	DOJ00126296	DOJ00126299	N/A	N/A	N/A		DTarczynska	6/20/18 12:32 PM	Proposed Notice of Filing - Supplementation of AR FPB draft 6-19 +JG (002).docx	WIF	AWP; DPP	Draft filing prepared by DOJ attorneys for this case that reflects those attorneys' mental impressions and pre-dates any final filing.
2671	DOJ00126299	DOJ00126299	DOJ00126296	DOJ00126299	N/A	N/A	N/A		Alex Haas	6/20/18 12:30 PM	Proposed Supp Ross Memo 062018 1030 (002).docx	WIF	AWP; DPP	Draft filing prepared by DOJ attorneys for this case that reflects the mental impressions of DOJ attorneys and pre-dates any final filing.
2674	DOJ00126302	DOJ00126302	DOJ00126302	DOJ00126304	N/A	Unspecified Sender	N/A	6/20/18 12:21 PM			FW: 2018_06_19 Declaration Supplementing AR KB.msg	WIF	AWP; DPP; PII	Email chain by DOJ attorneys discussing a declaration to be filed in citizenship question litigation. Private contact information also withheld.
2675	DOJ00126303	DOJ00126303	DOJ00126302	DOJ00126304	N/A	N/A	N/A		DTarczynska	6/19/18 11:20 PM	Notice of Filing - Supplementation of AR FPB - draft 6-19 +JG.pdf	WIF	AWP; DPP	Draft motion, with edits, by DOJ attorney to be filed in citizenship question litigation.
2676	DOJ00126304	DOJ00126304	DOJ00126302	DOJ00126304	N/A	N/A	N/A		DTarczynska	6/19/18 8:50 PM	Notice of Filing - Supplementation of AR FPB - draft 6-19 +JG.docx	WIF	AWP; DPP	Draft motion, with edits, by DOJ attorney to be filed in citizenship question litigation.
2677	DOJ00126305	DOJ00126305	DOJ00126305	DOJ00126305	numerous	Shumate, Brett A. (CIV)	charles ex; Kneedler, Edwin S (OSG); Wall, Jeffrey B. (OSG); Panuccio, Jesse (OASG); Francisco, Noel (OSG)	6/20/18 11:49 AM			Census Meeting/Call.msg	WIF	AWP; DPP	Email among DOJ attorneys discussing a draft supplemental statement in this case. The email contains DOJ attorneys' advice and opinions about how to proceed with the case, and mental impressions about the case. This discussion also pre-dates the statement and would reveal DOJ's decisionmaking process.
2678	DOJ00126306	DOJ00126306	DOJ00126306	DOJ00126306	numerous	Shumate, Brett A. (CIV)	N/A	6/20/18 11:49 AM			Census Meeting/Call.msg	WIF	AWP; DPP	Email among DOJ attorneys discussing a draft supplemental statement in this case. The email contains DOJ attorneys' advice and opinions about how to proceed with the case, and mental impressions about the case. This discussion also pre-dates the statement and would reveal DOJ's decisionmaking process.

Row	Prod.:Begin Bates	Prod.:End Bates	Prod.:Begin Attach.	Prod.:End Attach.	To	From	CC	Date/Sent	Arthur	Date/Created	Filename	Redacted or WIF	Privilege	Privilege Log Description
2679	DOJ00126307	DOJ00126307	DOJ00126307	DOJ00126308	Panuccio, Jesse (OASG)	McArthur, Eric (OASG)	N/A	6/19/18 8:18 PM			FW: census - AR notice of filing.msg	WIF	AWP; DPP; PII	Email among DOJ attorneys discussing a draft supplemental statement in this case. The email contains DOJ attorneys' advice and opinions about how to proceed with the case, and mental impressions about the case. This discussion also pre-dates the statement and would reveal DOJ's decisionmaking process.
2685	DOJ00126313	DOJ00126313	DOJ00126313	DOJ00126313	Shumate, Brett A. (CIV); Mooppan, Hashim (CIV)	McArthur, Eric (OASG)	Haas, Alex (CIV)	6/19/18 2:54 PM			RE: Commerce request.msg	WIF	AWP; DPP	Email among DOJ attorneys discussing a draft supplemental statement in this case. The email contains DOJ attorneys' advice and opinions about how to proceed with the case, and mental impressions about the case. This discussion also pre-dates the statement and would reveal DOJ's decisionmaking process.
2795	DOJ00127128	DOJ00127129	DOJ00127128	DOJ00127129	Panuccio, Jesse (OASG)	McArthur, Eric (OASG) - on behalf of - Shumate, Brett A. (CIV)	N/A	6/20/18 12:57 PM			201806209513943~201806201657150000~Z~B0744ACCD7F9EFDB4413F5CC07710A1.EML	Redacted	AWP; DPP; PII	Email chain between DOJ attorneys discussing a draft supplemental memo to be filed in citizenship question litigation. Private contact information also redacted.
3004	DOJ00128661	DOJ00128661	DOJ00128661	DOJ00128661	numerous	Shumate, Brett A. (CIV)	charles ex; Kneedler, Edwin S (OSG); Wall, Jeffrey B. (OSG); Panuccio, Jesse (OASG)	6/20/18 12:57 PM			FW: Census Meeting/Call.msg	WIF	AWP; DPP	Email among DOJ attorneys discussing a draft supplemental statement in this case. The email contains DOJ attorneys' advice and opinions about how to proceed with the case, and mental impressions about the case. This discussion also pre-dates the statement and would reveal DOJ's decisionmaking process.
3005	DOJ00128662	DOJ00128662	DOJ00128662	DOJ00128662	numerous	Shumate, Brett A. (CIV)	charles ex; Kneedler, Edwin S (OSG); Wall, Jeffrey B. (OSG)	6/20/18 12:57 PM			FW: Census Meeting/Call.msg	WIF	AWP; DPP	Email among DOJ attorneys discussing a draft supplemental statement in this case. The email contains DOJ attorneys' advice and opinions about how to proceed with the case, and mental impressions about the case. This discussion also pre-dates the statement and would reveal DOJ's decisionmaking process.
3006	DOJ00128663	DOJ00128663	DOJ00128663	DOJ00128663	Shumate, Brett A. (CIV); Murray, Michael (ODAG); Haas, Alex (CIV); McArthur, Eric (OASG); Griffiths, John (CIV); Wells, Carlotta (CIV); Oestericher, Jeffrey (USANYS); Tarczynska, Dominika (USANYS); Eshkenazi, Lara (USANYS); Vargas, Jeannette (USANYS); Ludwig, Stacy (DOJ); Ex, Charles (DOJ); Grimes, Benjamin (DOJ); Schools, Scott (ODAG); Goldsmith, Andrew (ODAG); Mooppan, Hashim (CIV)	Shumate, Brett A. (CIV)	charles ex; Kneedler, Edwin S (OSG); Wall, Jeffrey B. (OSG); Panuccio, Jesse (OASG); Francisco, Noel (OSG)	6/20/18 12:57 PM			FW: Census Meeting/Call.msg	WIF	AWP; DPP	Email among DOJ attorneys discussing a draft supplemental statement in this case. The email contains DOJ attorneys' advice and opinions about how to proceed with the case, and mental impressions about the case. This discussion also pre-dates the statement and would reveal DOJ's decisionmaking process.

# **EXHIBIT 39**



IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

NEW YORK IMMIGRATION  
COALITION, *et al.*,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF  
COMMERCE, *et al.*,

Defendants.

No. 1:18-cv-5025 (JMF)

**DEFENDANTS' SECOND SUPPLEMENTAL RESPONSES TO PLAINTIFFS' FIRST  
SET OF INTERROGATORIES TO DEFENDANTS UNITED STATES DEPARTMENT  
OF COMMERCE AND WILBUR ROSS**

Pursuant to Federal Rules of Civil Procedure 26, 33, and 34, Defendants United States Department of Commerce and Wilbur Ross submit these second supplemental objections and responses to Plaintiffs' First Set of Interrogatories to Defendants United States Department of Commerce and Wilbur Ross, as modified by Plaintiffs' counsel by email dated August 27, 2018.

**OBJECTIONS AND RESPONSES TO INTERROGATORIES**

**Interrogatory No. 1.** With regard to the document found in the Administrative Record at 1321, please IDENTIFY:

- a. the "senior Administration officials" who "previously raised" reinstating the citizenship question;
- b. the "various discussions with other government officials about reinstating a citizenship question to the Census";
- c. the consultations Secretary and his staff participated in when they "consulted with Federal governmental components";
- d. the date on which the "senior Administration officials" who "previously raised" reinstating the citizenship question first raised this subject; and
- e. all PERSONS with whom the "senior Administration officials had previously raised" reinstating the citizenship question.

**Objections:**

Defendants object to this interrogatory to the extent that it seeks (a) communications or information protected by the attorney-client privilege or (b) communications or information protected by the deliberative-process privilege.

Defendants further object to this interrogatory as vague and overbroad to the extent it seeks information about meetings or conversations with government officials and other persons whose identities are immaterial to the claims in this litigation, and because the burden of responding is disproportionate to the needs of this case.

**Response:**

After conducting a diligent search, Defendants do not distinguish among the terms used synonymously in the Secretary's Supplemental Memorandum: "senior Administration officials," "other government officials," and officials at other "Federal governmental components." In order to respond as fully as possible to this interrogatory, Defendants therefore will construe subparts a, b, and c, as coextensive and will identify, as a single group, the individuals within the executive branch but outside the Department of Commerce who, before the December 12, 2017 Department of Justice letter, and as referenced in the Secretary's Supplemental Memorandum, either (a) discussed the citizenship question with Secretary Ross, (b) had raised or discussed whether to reinstate a citizenship question, or (c) were consulted by Secretary Ross or his staff regarding whether the Department of Justice would support, and if so would request, inclusion of a citizenship question as consistent with and useful for enforcement of the Voting Rights Act. In accordance with that interpretation, and subject to and without waiving the above objections, Defendants identify the following individuals.

Mary Blanche Hankey, James McHenry, Gene Hamilton, Danielle Cutrona, John Gore, and Jefferson Sessions. Although Kris Kobach is not a "government official" within the meaning of the Supplemental Memorandum, the Defendants identify him

nonetheless for the sake of completeness. Secretary Ross recalls that Steven Bannon called Secretary Ross in the Spring of 2017 to ask Secretary Ross if he would be willing to speak to then-Kansas Secretary of State Kris Kobach about Secretary Kobach's ideas about a possible citizenship question on the decennial census. The Defendants therefore are also listing Mr. Bannon for the sake of completeness. In addition, Secretary Ross discussed the possible reinstatement of a citizenship question on the 2020 decennial census with Attorney General Sessions in the Spring of 2017 and at subsequent times.

As to Interrogatories, see Verification page *infra*.

As to objections:

Dated: October 11, 2018

Respectfully submitted,

JOSEPH H. HUNT  
Assistant Attorney General

BRETT A. SHUMATE  
Deputy Assistant Attorney General

JOHN R. GRIFFITHS  
Director, Federal Programs Branch

CARLOTTA P. WELLS  
Assistant Director, Federal Programs Branch

/s/ Stephen Ehrlich

KATE BAILEY  
GARRETT COYLE  
STEPHEN EHRLICH  
CAROL FEDERIGHI  
Trial Attorneys  
United States Department of Justice  
Civil Division, Federal Programs Branch  
1100 L Street, N.W.  
Washington, DC 20005  
Tel.: (202) 305-9803  
Email: stephen.ehrlich@usdoj.gov

*Counsel for Defendants*

**CERTIFICATION OF EARL COMSTOCK**

I certify under penalty of perjury that the foregoing second supplemental response to Plaintiffs' Interrogatory No. 1 is true and correct to the best of my knowledge, information, belief, understanding, or recollection, with the understanding that the Department of Commerce is continuing to research its responses to Plaintiffs' interrogatories and reserves the right to further supplement its responses.

Dated: October 11, 2018

A handwritten signature in black ink, appearing to read 'Earl Comstock', written over a horizontal line.

Earl Comstock

# **EXHIBIT 40**

**To:** Comstock, Earl (Federal) [REDACTED] PII  
**From:** Uthmeier, James (Federal)  
**Sent:** Fri 8/11/2017 8:05:48 PM  
**Importance:** Normal  
**Subject:** Re: Census paper  
**Received:** Fri 8/11/2017 8:05:51 PM  
Census Memo Draft Aug 11 2017.docx

Thanks Earl, clean copy attached. I can swing a call any time after 4:30 today.

James

---

**From:** Comstock, Earl (Federal)  
**Sent:** Friday, August 11, 2017 3:40 PM  
**To:** Uthmeier, James (Federal)  
**Subject:** Re: Census paper

Thanks James. Please take a look at the attached edits. If you agree then we can send to the Secretary, who wanted to have a call today to discuss. Earl

---

**From:** "Uthmeier, James (Federal)" <[REDACTED] PII>  
**Date:** Friday, August 11, 2017 at 10:18 AM  
**To:** "Comstock, Earl (Federal)" <[REDACTED] PII>  
**Subject:** Re: Census paper

Made a couple small edits for clarity. Also, I have not yet sent this to Peter. Just let me know if you want me to loop him in-- I think he is heading out pretty early today, and I'm tied up 11-1, but maybe we can walk through with him early next week.

**From:** Uthmeier, James (Federal)  
**Sent:** Friday, August 11, 2017 9:55:52 AM  
**To:** Comstock, Earl (Federal)  
**Subject:** Re: Census paper

Earl-

A draft, predecisional and privileged memo is attached. I know he likes short briefing materials, but I wanted to be more thorough given the issue and our uncertainty regarding the exact question(s) being presented.

I will keep working to clean it up and am happy to incorporate any edits. I am out of the office for some MBDA and infrastructure meetings but can be reached on my cell. I'll be able to talk today other than 11-1. Will be working over the next hour to clean this up a bit.

If you want to provide some handwritten comments, you can deliver to Barb (OGC secretary) and she will get them to me quickly.

I have some new ideas/recommendations on execution that I look forward to discussing. Ultimately, we do not make decisions on how the data should be used for apportionment, that is for Congress (or possibly the President) to decide. I think that's our hook here.

Best,



James

---

**From:** Comstock, Earl (Federal)  
**Sent:** Friday, August 11, 2017 8:11:41 AM  
**To:** Uthmeier, James (Federal)  
**Subject:** Re: Census paper

Great. Thanks! Earl

Sent from my iPhone

> On Aug 11, 2017, at 7:45 AM, Uthmeier, James (Federal) <[REDACTED]> wrote:  
>  
> Earl-  
>  
> Finishing this up this morning and will have a memo to you by 930.  
>  
> James  
>  
> Sent from my iPhone

# **EXHIBIT 41**

**From:** Wilbur Ross [PII]  
**Sent:** 8/10/2017 7:38:25 PM  
**To:** Comstock, Earl (Federal); [PII]  
**Subject:** Re: Census Matter

I would like to be briefed on Friday by phone. I probably will need an hour or so to study the memo first. We should be very careful about everything, whether or not it is likely to end up in the SC. WLR

Sent from my iPad

> On Aug 9, 2017, at 10:24 AM, Comstock, Earl (Federal) [PII] wrote:

>  
> PREDECISIONAL AND ATTORNEY-CLIENT PRIVILEGED

> Mr. Secretary - we are preparing a memo and full briefing for you on the citizenship question. The memo will be ready by Friday, and we can do the briefing whenever you are back in the office. Since this issue will go to the Supreme Court we need to be diligent in preparing the administrative record.

> Earl

> On 8/8/17, 1:20 PM, "Wilbur Ross" [PII] wrote:

> [Not Responsive / Deliberative]

[Not Responsive / Deliberative] Were you on the call this morning about Census? They seem dig in about not solving the citizenship question and that raises the question of where is the DOJ in their analysis? If they still have not come to a conclusion please let me know your contact person and I will call the AG. Wilbur Ross

> Sent from my iPhone

>> On Aug 8, 2017, at 10:52 AM, Comstock, Earl (Federal) [PII] wrote:

>> [Not Responsive / Deliberative]

>

# **EXHIBIT 42**

**DOCUMENTS RELATED TO DEFENDANTS COMMUNICATIONS AND ANALYSIS  
IN AUGUST AND SEPTEMBER 2017**

(Blue—Only DPP Asserted; Green—No DPP Asserted; Black—DPP and ACP Asserted)

Category	Documents Numbers
Documents and communications related to the August Uthmeier legal memorandum	AR 11296, 11298, 11301, 11302, 11303, 11306, 11307, 11309, 11311, 11312, 11314, 11331, 11342, 11343, 11346, 11347, 11349, 11350, 11352, 11355, 11362, 11363, 12464, COM_DIS00017409, 17410, 17411, 17501, 17502, 17618, 17619, 17620, 17621, 18591, 18592, 18594,
Documents and communications prior to the September 6, 2017 Department of Commerce meeting regarding the citizenship question	AR 2424
Documents and communications following the September 6, 2017 Department of Commerce meeting regarding the citizenship question	AR 2034, 2395, 2459, 2484, 11300 COM_DIS00014666, 16564, 17398, 17402, 17405, 17407, 17468, 17499, 17554, 17585, 18546, 18873, 19464, 19468, 19687, 19691, 20141

# **EXHIBIT 43**

Prod.: Beg. Bates	Prod.: End Bates	Prod.: Beg. Attach.	Prod.: End Attach.	To	From	CC	Date/Sent	AUTHOR	DATE TIME CRTD	File Name	Privilege	Privilege Comments
0002034	0002034	0002034	0002034	Comstock, Earl (Federal)	James Uthmeier	Davidson, Peter (Federal)	9/7/2017 16:58			Re: Census Matter Follow- Up.msg	AC - Attorney Client Privilege; PII - Personal Privacy; WP - Work Product	Emails from counsel discussing and advising on how to proceed with citizenship question
0002395	0002396	0002395	0002423	Comstock, Earl (Federal)	Uthmeier, James (Federal)		9/7/2017 18:39			RE: Census Matter Follow- Up.msg	AC - Attorney Client Privilege; PII - Personal Privacy; DP - Deliberative Process	Predeliberative discussion with counsel of thoughts about citizenship question and data and how to respond to stakeholder contact
0002424	0002425	0002424	0002425	Comstock, Earl (Federal)	Wilbur Ross	Teramoto, Wendy (Federal)	8/31/2017 23:12			Re: [REDACTED]	PII - Personal Privacy; DP - Deliberative Process	Redacted predeliberative discussion about status of various matters unrelated to census
0002459	0002460	0002459	0002460	Davidson, Peter (Federal); Uthmeier, James (Federal)	Comstock, Earl (Federal)	Teramoto, Wendy (Federal)	9/7/2017 18:13			Re: Census Matter Follow- Up.msg	AC - Attorney Client Privilege; PII - Personal Privacy; DP - Deliberative Process	Solicitation and receipt of legal advice from counsel
0002484	0002484	0002484	0002484	Uthmeier, James (Federal); Comstock, Earl (Federal)	Unspecified Sender		9/7/2017 17:26			RE: Census Matter Follow- Up.msg	AC - Attorney Client Privilege; PII - Personal Privacy; DP - Deliberative Process	Legal advice from counsel
0011296	0011297	0011296	0011298	Comstock, Earl (Federal)	Uthmeier, James (Federal)		8/11/2017 15:58			Re: Census paper.msg	AC - Attorney Client Privilege; PII - Personal Privacy; DP - Deliberative Process	Email exchange including Commerce counsel discussing edits to draft legal memo; also redacted nonrelevant material regarding other matters
0011298	0011298	0011296	0011298	Secretary Wilbur Ross, Wendy Teramoto, Earl Comstock	James Uthmeier		8/11/2017	Austin Schnell	8/11/2017 4:00 PM	Census Memo Draft Aug 11 2017.docx	AC - Attorney Client Privilege; DP - Deliberative Process	Draft legal memo discussing citizenship question and the census

Prod.: Beg. Bates	Prod.: End Bates	Prod.: Beg. Attach.	Prod.: End Attach.	To	From	CC	Date/Sent	AUTHOR	DATE TIME CRTD	File Name	Privilege	Privilege Comments
0011300	0011300	0011300	0011300	Uthmeier, James (Federal); Keller, Catherine (Federal)	Willard, Aaron (Federal)	Park-Su, Sahra	9/12/2017 18:14			follow-up.msg	AC - Attorney Client Privilege; PII - Personal Privacy; DP - Deliberative Process	Email exchange including Commerce counsel discussing further research on legal issues relating to citizenship data, as well as other unrelated issues
0011301	0011301	0011301	0011302	Uthmeier, James (Federal)	Shambon, Leonard (Federal)	Shambon, Leonard (Federal)	8/16/2017 18:23			second chronology.msg	AC - Attorney Client Privilege; PII - Personal Privacy; DP - Deliberative Process	Discussion of draft legal memo and personal plans
0011302	0011302	0011301	0011302	n/a	Leonard Shambon		8/16/2017	Shambon, Leonard (Federal)	8/16/2017 5:14 PM	foreigners included in enumeration Aug 16 2017.docx	AC - Attorney Client Privilege; DP - Deliberative Process	Draft outline of history related to census, prepared by counsel
0011303	0011304	0011303	0011304	Uthmeier, James (Federal)	Comstock, Earl (Federal)	Shambon, Leonard (Federal)	8/11/2017 18:52			Re: Census Timeline.msg	AC - Attorney Client Privilege; PII - Personal Privacy; DP - Deliberative Process	Discussion of draft legal memo and personal plans
0011306	0011306	0011305	0011306	n/a	Leonard Shambon		8/11/2017, 6:13 p.m.	Shambon, Leonard (Federal)	8/11/2017 6:13 PM	Census category chronology August 11 2017.docx	AC - Attorney Client Privilege; DP - Deliberative Process	Draft legal memo on citizenship and the census
0011307	0011308	0011307	0011308	Uthmeier, James (Federal)	Comstock, Earl (Federal)		8/11/2017 16:07			Re: Census paper.msg	AC - Attorney Client Privilege; PII - Personal Privacy; DP - Deliberative Process	Discussion of draft legal memo; material on an unrelated issue
0011309	0011310	0011309	0011311	Uthmeier, James (Federal)	Comstock, Earl (Federal)		8/11/2017 15:40			Re: Census paper.msg	AC - Attorney Client Privilege; PII - Personal Privacy; DP - Deliberative Process	Discussion of draft legal memo; material on an unrelated issue



Prod.: Beg. Bates	Prod.: End Bates	Prod.: Beg. Attach.	Prod.: End Attach.	To	From	CC	Date/Sent	AUTHOR	DATE TIME CRTD	File Name	Privilege	Privilege Comments
0011311	0011311	0011309	0011311	Secretary Wilbur Ross, Wendy Teramoto, Earl Comstock	James Uthmeier		8/11/2017	Austin Schnell	8/11/2017 2:42 PM	Census Memo Draft Aug 11 2017 ec edits.docx	AC - Attorney Client Privilege; DP - Deliberative Process	Draft legal memo on citizenship question and the census in track changes mode
0011312	0011313	0011312	0011313	Uthmeier, James (Federal)	Shambon, Leonard (Federal)		8/11/2017 14:56			RE: Census paper.msg	AC - Attorney Client Privilege; PII - Personal Privacy; DP - Deliberative Process	Discussion of draft legal memo
0011314	0011315	0011314	0011315	Uthmeier, James (Federal)	Comstock, Earl (Federal)		8/11/2017 13:10			Re: Census paper.msg	AC - Attorney Client Privilege; DP - Deliberative Process	Discussion of draft legal memo; discussion of unrelated issue
0011331	0011331	0011331	0011331	Davidson, Peter (Federal)	Uthmeier, James (Federal)		8/14/2017 17:33			Re: Close Hold Census paper.msg	AC - Attorney Client Privilege; DP - Deliberative Process	Discussion among counsel on citizenship question decision and advice given to Secretary
0011342	0011342	0011341	0011342	Secretary Wilbur Ross, Wendy Teramoto, Earl Comstock	James Uthmeier		8/11/2017	Austin Schnell	8/11/2017 4:00 PM	Census Memo Draft Aug 11 2017.docx	AC - Attorney Client Privilege; DP - Deliberative Process	Draft legal memo addressing citizenship question and the census
0011343	0011345	0011343	0011346	Comstock, Earl (Federal)	Uthmeier, James (Federal)		8/11/2017 16:05			Re: Census paper.msg	AC - Attorney Client Privilege; PII - Personal Privacy; DP - Deliberative Process	Discussion of draft legal memo; discussion of unrelated matter
0011346	0011346	0011343	0011346	Secretary Wilbur Ross, Wendy Teramoto, Earl Comstock	James Uthmeier		8/11/2017	Austin Schnell	8/11/2017 4:00 PM	Census Memo Draft Aug 11 2017.docx	AC - Attorney Client Privilege; DP - Deliberative Process	Draft legal memo on citizenship question and census

Prod.: Beg. Bates	Prod.: End Bates	Prod.: Beg. Attach.	Prod.: End Attach.	To	From	CC	Date/Sent	AUTHOR	DATE TIME CRTD	File Name	Privilege	Privilege Comments
0011347	0011348	0011347	0011349	Comstock, Earl (Federal)	Uthmeier, James (Federal)		8/11/2017 10:18			Re: Census paper.msg	AC - Attorney Client Privilege; PII - Personal Privacy; DP - Deliberative Process	Discussion of draft legal memo; discussion of unrelated matter
0011349	0011349	0011347	0011349	Secretary Wilbur Ross, Wendy Teramoto, Earl Comstock	James Uthmeier		8/11/2017	Austin Schnell	8/11/2017 7:17 AM	Census Memo Aug 11 2017.docx	AC - Attorney Client Privilege; DP - Deliberative Process	Draft legal memo on citizenship question and the census
0011350	0011351	0011350	0011352	Comstock, Earl (Federal)	Uthmeier, James (Federal)		8/11/2017 09:55			Re: Census paper.msg	AC - Attorney Client Privilege; PII - Personal Privacy; DP - Deliberative Process	Discussion of draft legal memo; discussion of unrelated matter
0011352	0011352	0011350	0011352	Secretary Wilbur Ross, Wendy Teramoto, Earl Comstock	James Uthmeier		8/11/2017	Austin Schnell	8/11/2017 7:17 AM	Census Memo Aug 11 2017.docx	AC - Attorney Client Privilege; DP - Deliberative Process	Draft legal memo on citizenship question and the census
0011355	0011355	0011355	0011355	Shambon, Leonard (Federal)	Uthmeier, James (Federal)		6/27/2017 08:23			Census.msg	AC - Attorney Client Privilege; PII - Personal Privacy; DP - Deliberative Process	discussion of request for legal advice
0011362	0011362	0011362	0011363	Ross, Wilbur	Comstock, Earl (Federal)	Teramoto, Wendy (Federal)	8/11/2017 16:12			Memo on Census Question.msg	PII - Personal Privacy; DP - Deliberative Process	Discussion of process for preparing and reviewing legal memo.
0011363	0011363	0011362	0011363	Secretary Wilbur Ross, Wendy Teramoto, Earl Comstock	James Uthmeier		8/11/2017	Austin Schnell	8/11/2017 4:07 PM	Census Memo Draft2 Aug 11 2017.docx	AC - Attorney Client Privilege; DP - Deliberative Process	Draft legal memo on citizenship question and the census
0012464	0012464	0012464	0012464	Secretary Wilbur Ross, Wendy Teramoto, Earl Comstock	James Uthmeier		8/11/2017			Citizenship Inquiry Memo Aug 11 2017.pdf	AC - Attorney Client Privilege; DP - Deliberative Process	Draft legal memo on citizenship question and the census

Prod.: Beg. Bates	Prod.: End Bates	Prod.: Beg. Attach.	Prod.: End Attach.	To	From	CC	Date/Sent	AUTHOR	DATE TIME CRTD	File Name	Privilege	Privilege Comments
COM_DIS00014666	COM_DIS00014668	COM_DIS00014666	COM_DIS00014696	Park-Su, Sahra	Uthmeier, James (Federal)		9/11/2017 18:38			FW: Census Matter Follow-Up.msg	ACP; DPP; PII	Deliberative recommendations, opinions and/or advice regarding how to proceed regarding reinstating the citizenship question redacted; legal advice relating to how to proceed regarding reinstating the citizenship question redacted; PII redacted
COM_DIS00016564	COM_DIS00016567	COM_DIS00016564	COM_DIS00016567	Kelley, Karen (Federal); Hernandez, Israel (Federal)	Park-Su, Sahra (Federal)		9/11/2017 18:39			Re: Census Matter Follow-Up.msg	ACP; DPP; PII	DOC email addresses. Recommendations, legal advice, and opinions regarding how to proceed regarding potentially reinstating the citizenship question.
COM_DIS00017398	COM_DIS00017401	COM_DIS00017398	COM_DIS00017401	Uthmeier, James (Federal)	Park-Su, Sahra (Federal)		9/11/2017 18:38			Re: Census Matter Follow-Up.msg	ACP; DPP; PII	DOC email addresses. Recommendations, legal advice, and opinions regarding how to proceed regarding potentially reinstating the citizenship question.
COM_DIS00017402	COM_DIS00017404	COM_DIS00017402	COM_DIS00017404	Uthmeier, James (Federal)	Davidson, Peter (Federal)		9/8/2017 22:14			Re: Census Matter Follow-Up.msg	ACP; DPP; PII	DOC email addresses. Recommendations, legal advice, and opinions regarding how to proceed regarding potentially reinstating the citizenship question.
COM_DIS00017405	COM_DIS00017406	COM_DIS00017405	COM_DIS00017406	Davidson, Peter (Federal); Uthmeier, James (Federal)	Comstock, Earl (Federal)	Teramoto, Wendy (Federal)	9/7/2017 18:13			Re: Census Matter Follow-Up.msg	ACP; DPP; PII	DOC email addresses. Recommendations, legal advice, and opinions regarding how to proceed regarding potentially reinstating the citizenship question.
COM_DIS00017407	COM_DIS00017408	COM_DIS00017407	COM_DIS00017408	Uthmeier, James (Federal); Comstock, Earl (Federal)	Davidson, Peter (Federal)	Teramoto, Wendy (Federal)	9/7/2017 17:30			RE: Census Matter Follow-Up.msg	ACP; DPP; PII	DOC email addresses. Recommendations, legal advice, and opinions regarding how to proceed regarding potentially reinstating the citizenship question.
COM_DIS00017409	COM_DIS00017409	COM_DIS00017409	COM_DIS00017410	Uthmeier, James (Federal)	Uthmeier, James (Federal)		8/25/2017 16:52			census memo draft.msg	ACP; DPP; WP; PII	Communication from Commerce attorney regarding draft memo on citizenship question
COM_DIS00017410	COM_DIS00017410	COM_DIS00017409	COM_DIS00017410					Austin Schnell	8/17/2017 9:54	Census Memo Draft.docx	ACP; DPP; WP	Draft memo on citizenship question prepared by Commerce attorney
COM_DIS00017411	COM_DIS00017420	COM_DIS00017411	COM_DIS00017420	Keller, Catherine (Federal); Uthmeier, James (Federal)	McClelland, Michelle (Federal)		8/14/2017 22:38			Fwd: Census articles.msg	ACP; DPP; PII	Deliberative discussions of how to respond to recent developments and counsel's advice for how to handle one issue. DOC emails redacted for privacy purposes.
COM_DIS00017468	COM_DIS00017470	COM_DIS00017468	COM_DIS00017498	Comstock, Earl (Federal); Davidson, Peter (Federal)	Uthmeier, James (Federal)	Teramoto, Wendy (Federal)	9/8/2017 18:07			Re: Census Matter Follow-Up.msg	ACP; DPP; PII	DOC email addresses. Recommendations, legal advice, and opinions regarding how to proceed regarding potentially reinstating the citizenship question.

Prod.: Beg. Bates	Prod.: End Bates	Prod.: Beg. Attach.	Prod.: End Attach.	To	From	CC	Date/Sent	AUTHOR	DATE TIME CRTD	File Name	Privilege	Privilege Comments
COM_DIS00017499	COM_DIS00017500	COM_DIS00017499	COM_DIS00017500	Comstock, Earl (Federal)	Unspecified Sender		9/7/2017 18:38			RE: Census Matter Follow-Up.msg	ACP; DPP; PII	DOC email addresses. Recommendations, legal advice, and opinions regarding how to proceed regarding potentially reinstating the citizenship question.
COM_DIS00017501	COM_DIS00017501	COM_DIS00017501	COM_DIS00017503	Shambon, Leonard (Federal)	Uthmeier, James (Federal)		8/11/2017 13:58			Fwd: Census paper.msg	ACP; DPP; WP; PII	Communications from Commerce attorneys regarding draft paper on citizenship question
COM_DIS00017502	COM_DIS00017502	COM_DIS00017501	COM_DIS00017503					Austin Schnell	8/11/2017 7:17	Census Memo Aug 11 2017.docx	ACP; DPP; WP	Communications from Commerce attorneys regarding draft memo on citizenship question
COM_DIS00017554	COM_DIS00017556	COM_DIS00017554	COM_DIS00017584	Comstock, Earl (Federal); Davidson, Peter (Federal)	Uthmeier, James (Federal)	Teramoto, Wendy (Federal)	9/8/2017 18:07			Re: Census Matter Follow-Up.msg	ACP; DPP; PII	DOC email addresses. Recommendations, legal advice, and opinions regarding how to proceed regarding potentially reinstating the citizenship question.
COM_DIS00017585	COM_DIS00017586	COM_DIS00017585	COM_DIS00017613	Comstock, Earl (Federal)	Uthmeier, James (Federal)		9/7/2017 18:39			RE: Census Matter Follow-Up.msg	ACP; DPP; PII	DOC email addresses. Recommendations, legal advice, and opinions regarding how to proceed regarding potentially reinstating the citizenship question.
COM_DIS00017618	COM_DIS00017618	COM_DIS00017618	COM_DIS00017619	Uthmeier, James (Federal)	Uthmeier, James (Federal)		8/25/2017 16:52			census memo draft.msg	ACP; DPP; WP; PII	Communications from Commerce attorneys regarding draft memo on citizenship question
COM_DIS00017619	COM_DIS00017619	COM_DIS00017618	COM_DIS00017619					Austin Schnell	8/17/2017 9:54	Census Memo Draft.docx	ACP; DPP; WP	Communications from Commerce attorneys regarding draft memo on citizenship question
COM_DIS00017620	COM_DIS00017620	COM_DIS00017620	COM_DIS00017621	Davidson, Peter (Federal)	Uthmeier, James (Federal)		8/14/2017 14:01			Close Hold Census paper.msg	ACP; DPP; WP; PII	Communications from Commerce attorneys regarding draft background memo on citizenship question
COM_DIS00017621	COM_DIS00017621	COM_DIS00017620	COM_DIS00017621					Austin Schnell	8/11/2017 16:00	Census Memo Draft Aug 11 2017.docx	ACP; DPP; WP	Communications from Commerce attorneys regarding draft background memo on citizenship question
COM_DIS00018546	COM_DIS00018548	COM_DIS00018546	COM_DIS00018576	Comstock, Earl (Federal); Davidson, Peter (Federal)	Uthmeier, James (Federal)	Teramoto, Wendy (Federal)	9/8/2017 18:07			Re: Census Matter Follow-Up.msg	ACP; DPP; PII	DOC email addresses. Recommendations, legal advice, and opinions regarding how to proceed regarding potentially reinstating the citizenship question.
COM_DIS00018591	COM_DIS00018591	COM_DIS00018588	COM_DIS00018591					Austin Schnell	8/11/2017 16:00	Census Memo Draft Aug 11 2017.docx	ACP; DPP; WP	Memo from DOC attorney regarding historical use of citizenship question.
COM_DIS00018592	COM_DIS00018593	COM_DIS00018592	COM_DIS00018594	Comstock, Earl (Federal)	Uthmeier, James (Federal)		8/11/2017 9:55			Re: Census paper.msg	ACP; DPP; WP; PII	DOC emails; recommendations from attorney about proposed legal strategy.
COM_DIS00018594	COM_DIS00018594	COM_DIS00018592	COM_DIS00018594					Austin Schnell	8/11/2017 7:17	Census Memo Aug 11 2017.docx	ACP; DPP; WP	Memo from DOC attorney regarding historical use of citizenship question.

Prod.: Beg. Bates	Prod.: End Bates	Prod.: Beg. Attach.	Prod.: End Attach.	To	From	CC	Date/Sent	AUTHOR	DATE TIME CRTD	File Name	Privilege	Privilege Comments
COM_DIS00018873	COM_DIS00018874	COM_DIS00018873	COM_DIS00018874	Teramoto, Wendy (Federal)	Davidson, Peter (Federal)		9/7/2017 17:43			FW: Census Matter Follow-Up.msg	ACP; DPP; WP; PII	Attorney research and advice to clients regarding requested information.
COM_DIS00019464	COM_DIS00019467	COM_DIS00019464	COM_DIS00019467	Kelley, Karen (Federal); Hernandez, Israel (Federal)	Park-Su, Sahra (Federal)		9/11/2017 18:39			Re: Census Matter Follow-Up.msg	ACP; DPP; PII	Email exchange reflects deliberative discussions with and among counsel on issues related to the citizenship question. PII redacted for privacy purposes.
COM_DIS00019468	COM_DIS00019471	COM_DIS00019468	COM_DIS00019471	Uthmeier, James (Federal)	Park-Su, Sahra (Federal)		9/11/2017 18:38			Re: Census Matter Follow-Up.msg	ACP; DPP; PII	Email exchange reflects deliberative discussions with and among counsel on issues related to the citizenship question. PII redacted for privacy purposes.
COM_DIS00019687	COM_DIS00019690	COM_DIS00019687	COM_DIS00019690	Kelley, Karen (Federal); Hernandez, Israel (Federal)	Park-Su, Sahra (Federal)		9/11/2017 18:39			Re: Census Matter Follow-Up.msg	ACP; DPP; PII	DOC email addresses. Recommendations, legal advice, and opinions regarding how to proceed regarding potentially reinstating the citizenship question.
COM_DIS00019691	COM_DIS00019694	COM_DIS00019691	COM_DIS00019694	Uthmeier, James (Federal)	Park-Su, Sahra (Federal)		9/11/2017 18:38			Re: Census Matter Follow-Up.msg	ACP; DPP; PII	DOC email addresses. Recommendations, legal advice, and opinions regarding potentially reinstating the citizenship question.
COM_DIS00020141	COM_DIS00020141	COM_DIS00020127	COM_DIS00020143					Anthony Richards	11/9/2016 11:58	Percent of ACS response rates by mode 2010-2017.pptx	ACP	Materials conveyed to DOC counsel pursuant to legal consultation on citizenship question.

# **EXHIBIT 44**

## DRAFTS AND INPUTS TO DECEMBER 12, 2017 DOJ REQUEST LETTER

(Blue—Only DPP Asserted; Red—Only PII Asserted; Orange -- Only DPP and AWP Asserted); Black—DPP and AC/WP Asserted)

Reviewers/Revisers/Authors	Date/Time	Bates Number(s) of Draft	Bates Number(s) of Related Correspondence
Gary	December 12, 2017 13:27	DOJ 15137	DOJ 15136
Gary	December 11, 2017 19:00	DOJ 15131, 34684, 35857	DOJ 15130, 34683, 35856
Gore, Gary	December 8, 2017 16:41 (redline)	DOJ 14826, 15089, 34682	DOJ 14821, 15084, 34677
Tucker, Gore	December 8, 2017 16:23	DOJ 14795, 36808, 36857	DOJ 14793, 36806, 36855
Gore, Gary	December 8, 2017 15:55 (clean)	DOJ 14833, 15063, 34676	DOJ 14827, 15057, 34670
Morrissey, Tucker	December 8, 2017 15:11 (redline)	DOJ 125793, 125795	DOJ 125792, 125794
Hamilton, Tucker, Morrissey, Gore	December 8, 2017 11:28 (redline)	DOJ 2722, 36805, 125627, 125791, 128675, 128772, 128774, 128784, 128849	DOJ 2721, 36804, 125626, 125790, 128674, 128771, 128773, 128783, 128848
Tucker, Troester, Gore	November 30, 2017 16:16 (clean)	DOJ 14839, 14842, 36791, 36840	DOJ 14834, 14840, 29561, 29564, 29784, 32187, 34044, 34047, 36788, 36789, 36795, 36798, 36801, 36835, 36838, 36858, 36861
Gore, Gary	November 30, 2017 16:13 (redline)	DOJ 14838, 15068, 34666	DOJ 14834, 15064, 34662
Tucker, Troester, Gore	November 30, 2017 9:20	DOJ 14800, 36781, 36847	DOJ 14798, 36773, 36776, 36778, 36779, 36783, 36786, 36793, 36823, 36841, 36843, 36845, 36848, 36864, 36866, 107749
Tucker, Troester, Gore	November 29, 2017 20:46 (redline)	DOJ 14797, 36771, 36869	DOJ 14796, 29556, 29558, 29781, 29787, 36765, 36766m, 36769, 36770, 36772, 36773, 36775, 36776, 36782, 36783, 36785, 36792, 36868
Gary	November 29, 2017 16:52	DOJ 2736	DOJ 2735
Gary	November 29, 2017 10:19	DOJ 2786, 15134, 34659, 35859, 35861	DOJ 2785, 15133, 34658, 35858, 35860
Hamilton, Tucker, Troester, Gore	November 25, 2017 16:28	DOJ 14849, 36764, 36850, 125620, 128666, 128780	DOJ 14848, 29783, 36763, 36768, 36849, 36870, 125619,

			125621, 125622, 125623, 125624, 125625, 125626, 128664, 128665, 128670, 128671, 128672, 128673, 128775, 128776, 128777, 128778, 128779
Gore, Gary	November 22, 2017 17:24 (clean)	DOJ 14880, 15082, 34647, 35865	DOJ 14877, 15079, 34644, 35862
Gore, Gary	November 22, 2017 17:20 (redline)	DOJ 14881, 15083, 34648	DOJ 14850, 14877, 15075, 15079, 34644, 34649, 35862
Gary, Gore	November 3, 2017 15:34	DOJ 2739, 14855, 34641, 39775	DOJ 2738, 14854, 34640, 39774
Aguinaga, Herren, Gore	November 3, 2017 14:04	DOJ 14804, 28380, 29551, 49890, 62348, 74720	DOJ 14803, 28379, 29550, 49873, 62331, 74703
Aguinaga, Pickett, Gore, Herren	October 31, 2017 11:17	DOJ 3741, 3890, 14802, 14857, 20886, 28340, 28375, 49887, 62345, 74717	DOJ 3740, 3889, 14801, 14856, 20885, 28339, 49873, 62331, 74703
Neuman/Hofeller		DOJ 15199	Delivered in Person
Uthmeier	August 11	DOJ 15198	DOJ 15197



# **EXHIBIT 45**

Prod.:Beg. Bate	Prod.:End Bates	Prod.:Beg. Attac	Prod.:End Attac	To	FROM	CC	DATE / SENT	AUTHOR	DATE TIME CRT	FILENAME	Privilege	Privilege Log Description
DOJ00002721	DOJ00002721	DOJ00002721	DOJ00002722	Tucker, Rachael (OAG)	Gore, John (CRT)		12/8/2017 12:00			Letter.msg	DPP	Email between DOJ lawyers deliberating about edits and changes to a draft of the Gary Letter.
DOJ00002722	DOJ00002722	DOJ00002721	DOJ00002722	N/A	N/A				12/8/2017 11:28	Request for Citizenship Information.Dec 8 REDLINE.docx	DPP	This is a draft of the Gary letter which contains text and comments which are different from the final version and which reflect internal agency discussions.
DOJ00002736	DOJ00002736	DOJ00002735	DOJ00002736	N/A	N/A				11/29/2017 16:5	Dr.Jarmin Census Bureau Letter.pdf	DPP	Draft of the Gary Letter that contains deliberative material and pre-dates the final Gary Letter.
DOJ00002738	DOJ00002738	DOJ00002738	DOJ00002739	Gary, Arthur (JMD)	Gore, John (CRT)		11/3/2017 17:10			Close Hold Draft Letter.msg	PII	PII redacted to avoid unsolicited contact.
DOJ00002739	DOJ00002739	DOJ00002738	DOJ00002739	N/A	N/A				11/3/2017 15:34	Letter (rev).docx	DPP	Draft of the Gary Letter that contains deliberative material and pre-dates the final letter.
DOJ00002786	DOJ00002786	DOJ00002785	DOJ00002786	N/A	N/A				11/29/2017 10:1	Request for Citizenship Information.Nov29 FINAL.docx	DPP	Draft of Gary letter dated November 29, 2018.
DOJ00003740	DOJ00003740	DOJ00003740	DOJ00003741	Pickett, Bethany (CRT)	Aguinaga, Ben (CRT)		11/3/2017 14:03			FW: Confidential & Close Hold: Draft Letter.msg	PII	Private email address redacted.
DOJ00003741	DOJ00003741	DOJ00003740	DOJ00003741	N/A	N/A			John Gore	10/31/2017 11:1	Letter.docx	AWP;DPP	This document is a preliminary draft of the Gary letter, to which changes were later made.
DOJ00003890	DOJ00003890	DOJ00003889	DOJ00003890	N/A	N/A			John Gore	10/31/2017 11:1	Letter.docx	DPP	11/3/17 draft of letter from DOJ to DOC re request to reinstate citizenship question on 2020 census questionnaire.
DOJ00014793	DOJ00014794	DOJ00014793	DOJ00014795	Gore, John (CRT)	Tucker, Rachael (OAG)	N/A	12/8/2017 16:26			RE: Letter.msg	DPP; PII	Email deliberations regarding proposed edits to the final letter and deliberations regarding the timing for sending the letter. Additionally, PII containing individuals' email addresses and phone numbers.
DOJ00014795	DOJ00014795	DOJ00014793	DOJ00014795	N/A	N/A	N/A			12/8/2017 16:23	Request for Citizenship Information.Dec 8 REDLINE edits.docx	DPP	Draft of the Gary Letter showing DOJ attorneys' edits to the text and organization of the letter.
DOJ00014796	DOJ00014796	DOJ00014796	DOJ00014797	Gore, John (CRT); Troester, Robert J. (ODAG)	Tucker, Rachael (OAG)	N/A	11/29/2017 20:47			RE: Census Letter.msg	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
DOJ00014797	DOJ00014797	DOJ00014796	DOJ00014797	N/A	N/A	N/A			11/29/2017 20:46	Request for Citizenship Information.Nov26 REDLINE RCT edits.docx	DPP	Draft of the final letter reflecting proposed edits to its text.
DOJ00014798	DOJ00014799	DOJ00014798	DOJ00014800	Gore, John (CRT); Tucker, Rachael (OAG)	Troester, Robert J. (ODAG)	N/A	11/30/2017 9:21			RE: Census Letter.msg	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
DOJ00014800	DOJ00014800	DOJ00014798	DOJ00014800	N/A	N/A	N/A			11/30/2017 9:20	Request for Citizenship Information.Nov26 REDLINE RCT edits (RJT edits).docx	DPP	Draft of the final letter reflecting proposed edits to the text
DOJ00014801	DOJ00014801	DOJ00014801	DOJ00014802	Gore, John (CRT)	Pickett, Bethany (CRT)	N/A	11/3/2017 17:35			Letter.msg	PII	Attorney phone number.
DOJ00014802	DOJ00014802	DOJ00014801	DOJ00014802	N/A	N/A	N/A		John Gore	10/31/2017 11:17	Letter.docx	DPP	Draft of the final letter reflecting proposed edits and comments on the text.
DOJ00014803	DOJ00014803	DOJ00014803	DOJ00014804	Gore, John (CRT)	Herren, Chris (CRT)	Aguinaga, Ben (CRT)	11/3/2017 14:09			RE: Confidential & Close Hold: Draft Letter.msg	PII	Attorney email addresses and contact information.
DOJ00014804	DOJ00014804	DOJ00014803	DOJ00014804	N/A	N/A	N/A			11/3/2017 14:04	Letter (rev).docx	DPP	Draft of the final letter reflecting proposed edits and comments on the text.

Prod.:Beg. Bate	Prod.:End Bates	Prod.:Beg. Attac	Prod.:End Attac	To	FROM	CC	DATE / SENT	AUTHOR	DATE TIME CRTD	FILENAME	Privilege	Privilege Log Description
DOJ00014821	DOJ00014825	DOJ00014821	DOJ00014826	Gary, Arthur (JMD)	Gore, John (CRT)	N/A	12/8/2017 16:42			RE: Close Hold: Draft Letter.msg	DPP; PII	Redacted phone numbers and emails as PII. Redacted internal agency discussions of a draft that pre-dates the final Gary letter.
DOJ00014826	DOJ00014826	DOJ00014821	DOJ00014826	N/A	N/A	N/A			12/8/2017 16:41	Request for Citizenship Information.Dec 8 REDLINE edits (002).docx	DPP	This is a draft of the Gary letter which contains edits and comments which are different from the final version and which reflect internal agency deliberations.
DOJ00014827	DOJ00014831	DOJ00014827	DOJ00014833	Gary, Arthur (JMD)	Gore, John (CRT)	N/A	12/8/2017 15:57			RE: Close Hold: Draft Letter.msg	DPP; PII	Redacted phone numbers and emails as PII. Redacted internal agency discussions of a draft that pre-dates the final Gary letter.
DOJ00014833	DOJ00014833	DOJ00014827	DOJ00014833	N/A	N/A	N/A			12/8/2017 15:55	Request for Citizenship Information.Dec 8 CLEAN.docx	DPP	This is a draft of the Gary letter which contains text and comments which are different from the final version and which reflect internal agency deliberations
DOJ00014834	DOJ00014837	DOJ00014834	DOJ00014839	Gary, Arthur (JMD)	Gore, John (CRT)	N/A	11/30/2017 16:21			RE: Close Hold: Draft Letter.msg	DPP; PII	Redacted phone numbers and email addresses as PII. Redacted part of email chain which reflects internal agency deliberations over draft of the Gary letter.
DOJ00014834	DOJ00014837	DOJ00014834	DOJ00014839	Gary, Arthur (JMD)	Gore, John (CRT)	N/A	11/30/2017 16:21			RE: Close Hold: Draft Letter.msg	DPP; PII	Redacted phone numbers and email addresses as PII. Redacted part of email chain which reflects internal agency deliberations over draft of the Gary letter.
DOJ00014838	DOJ00014838	DOJ00014834	DOJ00014839	N/A	N/A	N/A			11/30/2017 16:13	Request for Citizenship Information.Nov30 REDLINE.docx	DPP	This is a draft of the Gary letter which contains text and comments which are different from the final version and which reflect internal agency deliberations
DOJ00014838	DOJ00014838	DOJ00014834	DOJ00014839	N/A	N/A	N/A			11/30/2017 16:13	Request for Citizenship Information.Nov30 REDLINE.docx	DPP	This is a draft of the Gary letter which contains text and comments which are different from the final version and which reflect internal agency deliberations
DOJ00014839	DOJ00014839	DOJ00014834	DOJ00014839	N/A	N/A	N/A			11/30/2017 16:16	Request for Citizenship Information.Nov30 CLEAN.docx	DPP	This is a draft of the Gary letter which contains text which are different from the final version and which reflect internal agency deliberations
DOJ00014840	DOJ00014841	DOJ00014840	DOJ00014842	Troester, Robert J. (ODAG); Tucker, Rachael (OAG)	Gore, John (CRT)	N/A	11/30/2017 16:17			RE: Census Letter.msg	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
DOJ00014842	DOJ00014842	DOJ00014840	DOJ00014842	N/A	N/A	N/A			11/30/2017 16:16	Request for Citizenship Information.Nov30 CLEAN.docx	DPP	This is a draft of the Gary letter which contains text which are different from the final version and which reflect internal agency deliberations
DOJ00014848	DOJ00014848	DOJ00014848	DOJ00014849	Tucker, Rachael (OAG); Troester, Robert J. (ODAG)	Gore, John (CRT)	N/A	11/27/2017 12:42			Census Letter.msg	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter. Redacted phone numbers and emails as PII.
DOJ00014849	DOJ00014849	DOJ00014848	DOJ00014849	N/A	N/A	N/A			11/25/2017 16:28	Request for Citizenship Information.Nov26 REDLINE.docx	DPP	This is a draft of the Gary letter which contains text and comments which are different from the final version and which reflect internal agency deliberations
DOJ00014850	DOJ00014852	DOJ00014850	DOJ00014853	Gary, Arthur (JMD)	Gore, John (CRT)	N/A	11/25/2017 16:32			RE: Close Hold: Draft Letter.msg	DPP; PII	Redacted emails and phone numbers as PII. Redacted part of email chain as deliberative inter-agency discussions concerning a draft of the Gary letter.
DOJ00014854	DOJ00014854	DOJ00014854	DOJ00014855	Gary, Arthur (JMD)	Gore, John (CRT)	N/A	11/3/2017 17:10			Close Hold: Draft Letter.msg	PII	Redacted phone number and email address as PII

Prod.:Beg. Bate	Prod.:End Bates	Prod.:Beg. Attac	Prod.:End Attac	To	FROM	CC	DATE / SENT	AUTHOR	DATE TIME CRTD	FILENAME	Privilege	Privilege Log Description
DOJ00014855	DOJ00014855	DOJ00014854	DOJ00014855	N/A	N/A	N/A			11/3/2017 15:34	Letter (rev).docx	DPP	This is a draft of the Gary letter which contains text which are different from the final version and which reflect internal agency deliberations
DOJ00014856	DOJ00014856	DOJ00014856	DOJ00014857	Herren, Chris (CRT)	Gore, John (CRT)	Aguiñaga, Ben (CRT)	11/1/2017 18:31			Confidential & Close Hold: Draft Letter.msg	PII	Redacted phone number and email as PII
DOJ00014857	DOJ00014857	DOJ00014856	DOJ00014857	N/A	N/A	N/A		John Gore	10/31/2017 11:17	Letter.docx	DPP	Draft of the final letter
DOJ00014877	DOJ00014879	DOJ00014877	DOJ00014881	Gore, John (CRT)	Gary, Arthur (JMD)	N/A	11/22/2017 17:30			RE: Close Hold: Draft Letter.msg	DPP; PII	Redacted phone numbers and emails as PII Redacted intra-agency deliberative discussion concerning a draft of the Gary letter
DOJ00014877	DOJ00014879	DOJ00014877	DOJ00014881	Gore, John (CRT)	Gary, Arthur (JMD)	N/A	11/22/2017 17:30			RE: Close Hold: Draft Letter.msg	DPP; PII	Redacted phone numbers and emails as PII Redacted intra-agency deliberative discussion concerning a draft of the Gary letter
DOJ00014880	DOJ00014880	DOJ00014877	DOJ00014881	N/A	N/A	N/A			11/22/2017 17:24	Request for Citizenship Information.Nov22 draft CLEAN.OCG.docx	DPP	This is a draft of the Gary letter which contains text which are different from the final version and which reflect internal agency deliberations
DOJ00014881	DOJ00014881	DOJ00014877	DOJ00014881	N/A	N/A	N/A			11/22/2017 17:20	Request for Citizenship Information.Nov22 draft REDLINE.OCG.docx	DPP	This is a draft of the Gary letter which contains text and comments which are different from the final version and which reflect internal agency deliberations
DOJ00015057	DOJ00015061	DOJ00015057	DOJ00015063	Gary, Arthur (JMD)	Gore, John (CR1)	N/A	12/8/2017 15:57			RE Close Hold Draft Letter (38).msg	DPP; PII	Redacted internal agency deliberations concerning drafts of the Gary Letter, and PII that could lead to unsolicited contact.
DOJ00015063	DOJ00015063	DOJ00015057	DOJ00015063	N/A	N/A	N/A			12/8/2017 15:55	Request for Citizenship Information.Dec 8 CLEAN.docx	DPP	Draft version of Gary letter containing proposed revisions and edits
DOJ00015064	DOJ00015067	DOJ00015064	DOJ00015069	Gary, Arthur (JMD)	Gore, John (CR1)	N/A	11/30/2017 16:21			RE Close Hold Draft Letter (39).msg	DPP; PII	Email discussion concerning revisions to draft of Gary letter. PII redacted to avoid unsolicited contact.
DOJ00015068	DOJ00015068	DOJ00015064	DOJ00015069	N/A	N/A	N/A			11/30/2017 16:13	Request for Citizenship Information.Nov30 REDLINE.docx	DPP	Draft of Gary letter, marked confidential, containing proposed revisions and edits
DOJ00015075	DOJ00015077	DOJ00015075	DOJ00015078	Gary, Arthur (JMD)	Gore, John (CR1)	N/A	11/25/2017 16:32			RE Close Hold Draft Letter (50).msg	DPP; PII	Email discussion regarding revisions and edits to a draft of the Gary letter. PII redacted to avoid unsolicited contact.
DOJ00015079	DOJ00015081	DOJ00015079	DOJ00015083	Gore, John (CR1)	Gary, Arthur (JMD)	N/A	11/22/2017 17:30			RE Close Hold Draft Letter (51).msg	DPP; PII	Email discussion of revisions and edits to a draft of the Gary letter. PII redacted to avoid unsolicited contact.
DOJ00015079	DOJ00015081	DOJ00015079	DOJ00015083	Gore, John (CR1)	Gary, Arthur (JMD)	N/A	11/22/2017 17:30			RE Close Hold Draft Letter (51).msg	DPP; PII	Email discussion of revisions and edits to a draft of the Gary letter. PII redacted to avoid unsolicited contact.
DOJ00015082	DOJ00015082	DOJ00015079	DOJ00015083	N/A	N/A	N/A			11/22/2017 17:24	Request for Citizenship Information.Nov22 draft CLEAN.OCG.docx	DPP	Undated draft of Gary letter that is marked confidential
DOJ00015083	DOJ00015083	DOJ00015079	DOJ00015083	N/A	N/A	N/A			11/22/2017 17:20	Request for Citizenship Information.Nov22 draft REDLINE.OCG.docx	DPP	Draft of Gary letter, marked confidential, containing proposed revisions and edits
DOJ00015084	DOJ00015088	DOJ00015084	DOJ00015089	Gary, Arthur (JMD)	Gore, John (CRT)	N/A	12/8/2017 16:42			RE Close Hold Draft Letter.msg	DPP; PII	Email discussion regarding revisions and edits to a draft of the Gary letter. PII redacted to avoid unsolicited contact.
DOJ00015089	DOJ00015089	DOJ00015084	DOJ00015089	N/A	N/A	N/A			12/8/2017 16:41	Request for Citizenship Information.Dec 8 REDLINE edits (002).docx	DPP	Draft of Gary letter, marked confidential, containing proposed revisions and edits
DOJ00015131	DOJ00015131	DOJ00015130	DOJ00015131	N/A	N/A	N/A			12/11/2017 19:00	Request for Citizenship Information.Dec 11 FINAL.docx	DPP	Draft letter being circled for comments by Arthur Gary.
DOJ00015134	DOJ00015134	DOJ00015133	DOJ00015134	N/A	N/A	N/A			11/29/2017 10:19	Request for Citizenship Information.Nov29 FINAL.docx	DPP	Draft letter from Arthur Gary.
DOJ00015137	DOJ00015137	DOJ00015136	DOJ00015137	N/A	N/A	N/A			12/12/2017 13:27	U. S. Census Bureau Dr. Jarmin (Revised Dec. 12th).pdf	DPP	Draft Gary letter.

Prod.:Beg. Bate	Prod.:End Bates	Prod.:Beg. Attac	Prod.:End Attac	To	FROM	CC	DATE / SENT	AUTHOR	DATE TIME CRTD	FILENAME	Privilege	Privilege Log Description
DOJ00015197	DOJ00015197	DOJ00015197	DOJ00015197	N/A	N/A	N/A					ACP; AWP; DPP	Note from James Uthmeier to John Gore accompanying memorandum written by James Uthmeier. Uthmeier prepared this document for the purpose of obtaining legal advice from the Department of Justice, and in anticipation of litigation. This document was considered by DOJ to aid in their deliberations concerning whether to request the addition of a citizenship question.
DOJ00015198	DOJ00015198	DOJ00015198	DOJ00015198	N/A	N/A	N/A					ACP; AWP; DPP	Memorandum written by James Uthmeier for the purpose of providing legal advice to his client and to aid in Commerce's deliberations about whether or not to add a citizenship question to the census, and in anticipation of litigation. The document was also shared with John Gore for the purpose of obtaining legal advice from the Department of Justice, and considered by DOJ to aid in their deliberations concerning whether to request the addition of a citizenship question.
DOJ00015199	DOJ00015199	DOJ00015199	DOJ00015199	N/A	N/A	N/A					DPP	
DOJ00020885	DOJ00020885	DOJ00020885	DOJ00020886	Pickett, Bethany (CRT)	Aguiñaga, Ben (CRT)	N/A	11/3/2017 14:03			FW: Confidential & Close Hold: Draft Letter.msg	Pii	Redacted PII to avoid unsolicited contact.
DOJ00020886	DOJ00020886	DOJ00020885	DOJ00020886	N/A	N/A	N/A		John Gore	10/31/2017 11:17	Letter.docx	DPP	Predecisional draft of letter from Gary to Jarmin re "Request to Reinstate Citizenship Question on 2020 Census Questionnaire"
DOJ00028339	DOJ00028339	DOJ00028339	DOJ00028340	Herren, Chris (CRT)	Gore, John (CRT)	Aguiñaga, Ben (CRT)	11/1/2017 18:31			Confidential & Close Hold: Draft Letter.msg	Pii	Redacted PII to avoid unsolicited contact
DOJ00028340	DOJ00028340	DOJ00028339	DOJ00028340	N/A	N/A	N/A		John Gore	10/31/2017 11:17	Letter.docx	ACP; AWP; DPP	Draft copy of the Gary letter attached to internal DOJ CRT attorney email.
DOJ00028375	DOJ00028375	DOJ00028359	DOJ00028387	N/A	N/A	N/A		John Gore	10/31/2017 11:17	Email 1 - 11.01.2017.pdf^Letter.docx	DPP	draft of letter from DOJ to DOC
DOJ00028379	DOJ00028379	DOJ00028359	DOJ00028387	N/A	N/A	N/A			2/12/2018 14:06	Email 3 - 11.03.2017.pdf	Pii	PII redacted to avoid unsolicited contact.
DOJ00028380	DOJ00028380	DOJ00028359	DOJ00028387	N/A	N/A	N/A			11/3/2017 14:04	Email 3 - 11.03.2017.pdf^Letter (rev).docx	DPP	draft letter from DOJ to DOC, with redlines and comments
DOJ00029550	DOJ00029550	DOJ00029550	DOJ00029551	Gore, John (CRT)	Herren, Chris (CRT)	Aguiñaga, Ben (CRT)	11/3/2017 14:09			RE: Confidential & Close Hold: Draft Letter.msg	Pii	Redacted PII to avoid unsolicited contact.
DOJ00029551	DOJ00029551	DOJ00029550	DOJ00029551	N/A	N/A	N/A			11/3/2017 14:04	Letter (rev).docx	DPP	Draft of letter from Arthur Gary to Acting Director of Census Bureau, including attorney edits and comments.
DOJ00029556	DOJ00029557	DOJ00029556	DOJ00029557	Tucker, Rachael (OAG)	Gore, John (CRT)	Troester, Robert J. (ODAG)	11/30/2017 10:08			Re: Census Letter.msg	DPP; Pii	Redacted portions contain attorney discussion regarding a draft of the Gary letter that would reveal internal DOJ advice and opinions about the content of the letter and pre-date the final letter. Pii also redacted to avoid unsolicited contact.
DOJ00029558	DOJ00029558	DOJ00029558	DOJ00029558	Tucker, Rachael (OAG)	Gore, John (CRT)	Troester, Robert J. (ODAG)	11/30/2017 7:31			Re: Census Letter.msg	DPP; Pii	Redacted portions contain attorney discussion regarding a draft of the Gary letter that would reveal internal DOJ advice and opinions about the content of the letter and pre-date the final letter. Pii also redacted to avoid unsolicited contact.
DOJ00029561	DOJ00029563	DOJ00029561	DOJ00029563	Tucker, Rachael (OAG)	Gore, John (CRT)	Troester, Robert J. (ODAG)	12/4/2017 12:34			Re: Census Letter.msg	DPP; Pii	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as Pii.

Prod.:Beg. Bate	Prod.:End Bates	Prod.:Beg. Attac	Prod.:End Attac	To	FROM	CC	DATE / SENT	AUTHOR	DATE TIME CRTD	FILENAME	Privilege	Privilege Log Description
DOJ00029564	DOJ00029566	DOJ00029564	DOJ00029566	Troester, Robert J. (ODAG); Tucker, Rachael (OAG)	Gore, John (CRT)	N/A	12/4/2017 11:29			Re: Census Letter.msg	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
DOJ00029781	DOJ00029782	DOJ00029781	DOJ00029782	Troester, Robert J. (ODAG); Gore, John (CRT)	Tucker, Rachael (OAG)	N/A	11/30/2017 9:38			RE: Census Letter.msg	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
DOJ00029783	DOJ00029783	DOJ00029783	DOJ00029783	Gore, John (CRT); Troester, Robert J. (ODAG)	Tucker, Rachael (OAG)	N/A	11/27/2017 15:55			RE: Census Letter.msg	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
DOJ00029784	DOJ00029786	DOJ00029784	DOJ00029786	Gore, John (CRT); Troester, Robert J. (ODAG)	Tucker, Rachael (OAG)	N/A	12/4/2017 11:50			RE: Census Letter.msg	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
DOJ00029787	DOJ00029788	DOJ00029787	DOJ00029788	Tucker, Rachael (OAG); Gore, John (CRT)	Troester, Robert J. (ODAG)	N/A	11/30/2017 10:18			RE: Census Letter.msg	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
DOJ00032187	DOJ00032187	DOJ00032187	DOJ00032187	Tucker, Rachael (OAG)	Gore, John (CRT)	Troester, Robert J. (ODAG)	11/30/2017 7:31			Re: Census Letter.msg	AWP; DPP; PII	PII redacted to avoid unsolicited contact.
DOJ00034044	DOJ00034046	DOJ00034044	DOJ00034046	Tucker, Rachael (OAG)	Gore, John (CRT)	Troester, Robert J. (ODAG)	12/4/17 12:34 PM			Re: Census Letter.msg	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
DOJ00034047	DOJ00034049	DOJ00034047	DOJ00034049	Troester, Robert J. (ODAG); Tucker, Rachael (OAG)	Gore, John (CRT)	N/A	12/4/17 11:29 AM			Re: Census Letter.msg	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
DOJ00034640	DOJ00034640	DOJ00034640	DOJ00034641	Gary, Arthur (JMD)	Gore, John (CR1)	N/A	11/3/17 5:10 PM			201711039743583 20 1711032110520000 Z E034384C3FBF5D7CB4 1BA005A7C40F11.FMI	PII	PII redacted to avoid unsolicited contact.
DOJ00034641	DOJ00034641	DOJ00034640	DOJ00034641	N/A	N/A	N/A			11/3/17 3:34 PM	Letter (rev).docx	DPP	Draft of the Gary Letter, which pre-dates the final Gary Letter and would reveal internal DOJ thoughts and decisionmaking.
DOJ00034644	DOJ00034646	DOJ00034644	DOJ00034648	Gore, John (CR1)	Gary, Arthur (JMD)	N/A	11/22/17 5:30 PM			201711221390044 20 1711222230510000 Z F010418D5E047D9550 DE80C07CA32F31.EML	DPP; PII	Email chain between DOJ attorneys discussing the draft Gary Letter, including discussions of their proposed edits and the internal DOJ process. PII also redacted to avoid unsolicited contact.
DOJ00034644	DOJ00034646	DOJ00034644	DOJ00034648	Gore, John (CR1)	Gary, Arthur (JMD)	N/A	11/22/17 5:30 PM			201711221390044 20 1711222230510000 Z F010418D5E047D9550 DE80C07CA32F31.EML	DPP; PII	Email chain between DOJ attorneys discussing the draft Gary Letter, including discussions of their proposed edits and the internal DOJ process. PII also redacted to avoid unsolicited contact.
DOJ00034647	DOJ00034647	DOJ00034644	DOJ00034648	N/A	N/A	N/A			11/22/17 5:24 PM	Request for Citizenship Information.Nov22 draft CLEAN.OGC.docx	DPP	Draft of the Gary Letter, which pre-dates the final Gary Letter and would reveal internal DOJ thoughts and decisionmaking.
DOJ00034648	DOJ00034648	DOJ00034644	DOJ00034648	N/A	N/A	N/A			11/22/17 5:20 PM	Request for Citizenship Information.Nov22 draft REDLINE.OGC.docx	DPP	Draft of the Gary Letter, which pre-dates the final Gary Letter and would reveal internal DOJ thoughts and decisionmaking, and shows edits by a DOJ attorney.

Prod.:Beg. Bate	Prod.:End Bates	Prod.:Beg. Attac	Prod.:End Attac	To	FROM	CC	DATE / SENT	AUTHOR	DATE TIME CRTD	FILENAME	Privilege	Privilege Log Description
DOJ00034649	DOJ00034651	DOJ00034649	DOJ00034652	Gary, Arthur (JMD)	Gore, John (CR1)	N/A	11/25/17 4:32 PM			201711251645764 201711252132490000 Z E0906C0F1DAA4D8A5 D9C294DC9317FE1.EM L	DPP; PII	Email chain between DOJ attorneys discussing the draft Gary Letter, including discussions of their proposed edits and the internal DOJ process. PII also redacted to avoid unsolicited contact
DOJ00034659	DOJ00034659	DOJ00034658	DOJ00034659	N/A	N/A	N/A			11/29/17 10:19 AM	Request for Citizenship Information.Nov29 FINAL.docx	DPP	Draft of the Gary Letter, which pre-dates the final Gary Letter, shows edits by an attorney, and would reveal internal DOJ thoughts and decisionmaking
DOJ00034662	DOJ00034665	DOJ00034662	DOJ00034667	Gary, Arthur (JMD)	Gore, John (CR1)	N/A	11/30/17 4:21 PM			201711302077102 201711302121140000 Z E06436F2718CB389F1 3DFEC931741971.EM L	DPP; PII	Email chain between DOJ attorneys discussing the draft Gary Letter, including discussions of their proposed edits and the internal DOJ process. PII also redacted to avoid unsolicited contact
DOJ00034666	DOJ00034666	DOJ00034662	DOJ00034667	N/A	N/A	N/A			11/30/17 4:13 PM	Request for Citizenship Information.Nov30 REDLINE.docx	DPP	Draft of the Gary Letter, which pre-dates the final Gary Letter, shows edits by an attorney, and would reveal internal DOJ thoughts and decisionmaking
DOJ00034670	DOJ00034674	DOJ00034670	DOJ00034676	Gary, Arthur (JMD)	Gore, John (CR1)	N/A	12/8/17 3:57 PM			201712113000806 201712082057130000 Z 90787C385509AF5A46 2BC47FE7D80491.EM L	DPP; PII	Email chain between DOJ attorneys discussing the draft Gary Letter, including discussions of their proposed edits and the internal DOJ process. PII also redacted to avoid unsolicited contact
DOJ00034676	DOJ00034676	DOJ00034670	DOJ00034676	N/A	N/A	N/A			12/8/17 3:55 PM	Request for Citizenship Information.Dec 8 CLEAN.docx	DPP	Draft of the Gary Letter, which pre-dates the final Gary Letter, shows edits and comments by an attorney, and would reveal internal DOJ thoughts and decisionmaking
DOJ00034677	DOJ00034681	DOJ00034677	DOJ00034682	Gary, Arthur (JMD)	Gore, John (CR1)	N/A	12/8/17 4:42 PM			201712113000892 20171208214240000 Z 907E49B05195AD82E0 E214F4EFB3FD11.EM L	DPP; PII	Email chain between DOJ attorneys discussing the draft Gary Letter, including discussions of their proposed edits and the internal DOJ process. PII also redacted to avoid unsolicited contact
DOJ00034682	DOJ00034682	DOJ00034677	DOJ00034682	N/A	N/A	N/A			12/8/17 4:41 PM	Request for Citizenship Information.Dec 8 REDLINE edits (002).docx	DPP	Draft of the Gary Letter, which pre-dates the final Gary Letter, shows attorney edits, and would reveal internal DOJ thoughts and decisionmaking
DOJ00034684	DOJ00034684	DOJ00034683	DOJ00034684	N/A	N/A	N/A			12/11/17 7:00 PM	Request for Citizenship Information.Dec 11 FINAL.docx	DPP	Draft of the Gary Letter, which pre-dates the final Gary Letter, shows attorney edits, and would reveal internal DOJ thoughts and decisionmaking
DOJ00035857	DOJ00035857	DOJ00035856	DOJ00035857	N/A	N/A	N/A			12/11/17 7:00 PM	Request for Citizenship Information.Dec 11 FINAL.docx	DPP	Draft of the Gary Letter, which pre-dates the final Gary Letter and would reveal internal DOJ thoughts and decisionmaking
DOJ00035859	DOJ00035859	DOJ00035858	DOJ00035859	N/A	N/A	N/A			11/29/17 10:19 AM	Request for Citizenship Information.Nov29 FINAL.docx	DPP	Draft of the Gary Letter, which pre-dates the final Gary Letter and would reveal internal DOJ thoughts and decisionmaking
DOJ00035861	DOJ00035861	DOJ00035860	DOJ00035861	N/A	N/A	N/A			11/29/17 10:19 AM	Request for Citizenship Information.Nov29 FINAL.docx	DPP	Draft of the Gary Letter, which pre-dates the final Gary Letter and would reveal internal DOJ thoughts and decisionmaking
DOJ00035862	DOJ00035864	DOJ00035862	DOJ00035866	Gore, John (CR1)	Gary, Arthur (JMD)	N/A	11/22/17 5:30 PM			RE: Close Hold: Draft Letter.msg	DPP; PII	Email chain between DOJ attorneys discussing the draft Gary Letter, including discussions of their proposed edits and the internal DOJ process. PII also redacted to avoid unsolicited contact
DOJ00035862	DOJ00035864	DOJ00035862	DOJ00035866	Gore, John (CR1)	Gary, Arthur (JMD)	N/A	11/22/17 5:30 PM			RE: Close Hold: Draft Letter.msg	DPP; PII	Email chain between DOJ attorneys discussing the draft Gary Letter, including discussions of their proposed edits and the internal DOJ process. PII also redacted to avoid unsolicited contact
DOJ00035865	DOJ00035865	DOJ00035862	DOJ00035866	N/A	N/A	N/A			11/22/17 5:24 PM	Request for Citizenship Information.Nov22 draft CLEAN.OCG.docx	DPP	Draft of the Gary Letter, which pre-dates the final Gary Letter and would reveal internal DOJ thoughts and decisionmaking

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DOJ00036763	DOJ00036763	DOJ00036762	DOJ00036764	Tucker, Rachael (OAG); Troester, Robert J. (ODAG)	Gore, John (CRT)	N/A	11/27/17 12:42 PM			Census Letter.eml	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
DOJ00036764	DOJ00036764	DOJ00036762	DOJ00036764	N/A	N/A	N/A			11/25/17 4:28 PM	Request for Citizenship Information.Nov26 REDLINE.docx	DPP	Draft of the Gary Letter that pre-dates the final Gary Letter and shows edits by a DOJ attorney.
DOJ00036765	DOJ00036765	DOJ00036765	DOJ00036766	Tucker, Rachael (OAG)	Gore, John (CRT)	Troester, Robert J. (ODAG)	11/30/17 7:31 AM			201711302079057~20 1711301231170000~Z~ E0E69CFD84AC62436D 6F47294185D8B1.FMI	PII	PII redacted to avoid unsolicited contact.
DOJ00036766	DOJ00036766	DOJ00036765	DOJ00036766	Tucker, Rachael (OAG)	Gore, John (CRT)	Troester, Robert J. (ODAG)	11/30/17 7:31 AM			Re Census Letter.eml	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
DOJ00036768	DOJ00036768	DOJ00036767	DOJ00036768	Gore, John (CRT); Troester, Robert J. (ODAG)	Tucker, Rachael (OAG)	N/A	11/27/17 3:55 PM			RE Census Letter.eml	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
DOJ00036769	DOJ00036769	DOJ00036769	DOJ00036771	Gore, John (CRT); Troester, Robert J. (ODAG)	Tucker, Rachael (OAG)	N/A	11/29/17 8:47 PM			201711302080493~20 1711300147500000~Z~ E146604DDF65A2B9BD 907C2DD7AA621.EM L	PII	PII redacted to avoid unsolicited contact.
DOJ00036770	DOJ00036770	DOJ00036769	DOJ00036771	Gore, John (CRT); Troester, Robert J. (ODAG)	Tucker, Rachael (OAG)	N/A	11/29/17 8:47 PM			RE Census Letter.eml	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
DOJ00036771	DOJ00036771	DOJ00036769	DOJ00036771	N/A	N/A	N/A			11/29/17 8:46 PM	Request for Citizenship Information.Nov26 REDLINE RCT edits.docx	DPP	Draft of the Gary Letter that pre-dates the final Gary Letter and shows edits by a DOJ attorney.
DOJ00036772	DOJ00036772	DOJ00036772	DOJ00036774	Troester, Robert J. (ODAG); Gore, John (CRT)	Tucker, Rachael (OAG)	N/A	11/30/17 9:38 AM			201711302080496~20 1711301438010000~Z~ E1469904F855D3E18E 69088DB12FF911.FMI	PII	PII redacted to avoid unsolicited contact
DOJ00036773	DOJ00036774	DOJ00036772	DOJ00036774	Troester, Robert J. (ODAG); Gore, John (CRT)	Tucker, Rachael (OAG)	N/A	11/30/17 9:38 AM			RE Census Letter.eml	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
DOJ00036773	DOJ00036774	DOJ00036772	DOJ00036774	Troester, Robert J. (ODAG); Gore, John (CRT)	Tucker, Rachael (OAG)	N/A	11/30/17 9:38 AM			RE Census Letter.eml	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
DOJ00036775	DOJ00036775	DOJ00036775	DOJ00036777	Gore, John (CRT)	Tucker, Rachael (OAG)	Troester, Robert J. (ODAG)	11/30/17 10:17 AM			201711302080498~20 1711301517060000~Z~ E146849F43636364A8 0D532FEF1C1881.FMI	PII	PII redacted to avoid unsolicited contact.
DOJ00036776	DOJ00036777	DOJ00036775	DOJ00036777	Gore, John (CRT)	Tucker, Rachael (OAG)	Troester, Robert J. (ODAG)	11/30/17 10:17 AM			RE Census Letter.eml	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
DOJ00036776	DOJ00036777	DOJ00036775	DOJ00036777	Gore, John (CRT)	Tucker, Rachael (OAG)	Troester, Robert J. (ODAG)	11/30/17 10:17 AM			RE Census Letter.eml	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
DOJ00036778	DOJ00036778	DOJ00036778	DOJ00036781	Gore, John (CRT); Tucker, Rachael (OAG)	Troester, Robert J. (ODAG)	N/A	11/30/17 9:21 AM			201712012093187~20 1711301421440000~Z~ 105c869bcb89af579d2 73914fea4bfa1.eml.ms.g	PII	PII redacted to avoid unsolicited contact.



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DOJ00036779	DOJ00036780	DOJ00036778	DOJ00036781	Gore, John (CRT); Tucker, Rachael (OAG)	Troester, Robert J. (ODAG)	N/A	11/30/17 9:21 AM			RE Census Letter.eml	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
DOJ00036781	DOJ00036781	DOJ00036778	DOJ00036781	N/A	N/A	N/A			11/30/17 9:20 AM	Request for Citizenship Information.Nov26 REDLINE RCT edits (RIT edits).docx	DPP	Draft of the Gary Letter that pre-dates the final Gary Letter and displays the edits of a DOJ attorney.
DOJ00036782	DOJ00036782	DOJ00036782	DOJ00036784	Tucker, Rachael (OAG)	Gore, John (CRT)	Troester, Robert J. (ODAG)	11/30/17 10:08 AM			201712012093188~20 1711301508400000~Z~ 105C9E03D252344987 6F518D75426761.EML	PII	PII redacted to avoid unsolicited contact.
DOJ00036783	DOJ00036784	DOJ00036782	DOJ00036784	Tucker, Rachael (OAG)	Gore, John (CRT)	Troester, Robert J. (ODAG)	11/30/17 10:08 AM			Re Census Letter.eml	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
DOJ00036783	DOJ00036784	DOJ00036782	DOJ00036784	Tucker, Rachael (OAG)	Gore, John (CRT)	Troester, Robert J. (ODAG)	11/30/17 10:08 AM			Re Census Letter.eml	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
DOJ00036785	DOJ00036785	DOJ00036785	DOJ00036787	Tucker, Rachael (OAG); Gore, John (CRT)	Troester, Robert J. (ODAG)	N/A	11/30/17 10:18 AM			201712012093188~20 1711301518320000~Z~ 105CA180F41C69D731 C2770E31DEAC01.EML	PII	PII redacted to avoid unsolicited contact.
DOJ00036786	DOJ00036787	DOJ00036785	DOJ00036787	Tucker, Rachael (OAG); Gore, John (CRT)	Troester, Robert J. (ODAG)	N/A	11/30/17 10:18 AM			RE Census Letter.eml	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
DOJ00036788	DOJ00036788	DOJ00036788	DOJ00036791	Troester, Robert J. (ODAG); Tucker, Rachael (OAG)	Gore, John (CRT)	N/A	11/30/17 4:17 PM			201712012093197~20 1711302117280000~Z~ 105D302E7C37919396 13CA8686EF3A51.EML	PII	PII redacted to avoid unsolicited contact.
DOJ00036789	DOJ00036790	DOJ00036788	DOJ00036791	Troester, Robert J. (ODAG); Tucker, Rachael (OAG)	Gore, John (CRT)	N/A	11/30/17 4:17 PM			RE Census Letter.eml	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
DOJ00036791	DOJ00036791	DOJ00036788	DOJ00036791	N/A	N/A	N/A			11/30/17 4:16 PM	Request for Citizenship Information.Nov30 CLEAN.docx	DPP	Draft of the Gary Letter that pre-dates the final Gary Letter and would reveal internal agency deliberations.
DOJ00036792	DOJ00036792	DOJ00036792	DOJ00036794	Troester, Robert J. (ODAG); Gore, John (CRT)	Tucker, Rachael (OAG)	N/A	11/30/17 9:38 AM			201712012093204 20 1711301438010000 z 105da827cdc9036ec7f 2ebba31f6d431.eml.m.sg	PII	PII redacted to avoid unsolicited contact.
DOJ00036793	DOJ00036794	DOJ00036792	DOJ00036794	Troester, Robert J. (ODAG); Gore, John (CRT)	Tucker, Rachael (OAG)	N/A	11/30/17 9:38 AM			RE Census Letter.eml	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
DOJ00036795	DOJ00036797	DOJ00036795	DOJ00036797	Troester, Robert J. (ODAG); Tucker, Rachael (OAG)	Gore, John (CRT)	N/A	12/4/17 11:29 AM			201712042405121 20 1712041629450000 Z 8008219664FA3F168E 534E833F2A0EA1.EML	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
DOJ00036798	DOJ00036800	DOJ00036798	DOJ00036800	Gore, John (CRT); Troester, Robert J. (ODAG)	Tucker, Rachael (OAG)	N/A	12/4/17 11:50 AM			201712042406381 20 1712041650440000 Z 805C1938B302A938B5 F0ED07B3CD5A61.EML	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.

Prod.:Beg. Bate	Prod.:End Bates	Prod.:Beg. Attac	Prod.:End Attac	To	FROM	CC	DATE / SENT	AUTHOR	DATE TIME CRT	FILENAME	Privilege	Privilege Log Description
DOJ00036801	DOJ00036803	DOJ00036801	DOJ00036803	Tucker, Rachael (OAG)	Gore, John (CRT)	Troester, Robert J. (ODAG)	12/4/17 12:34 PM			201712042409085 20 1712041734430000 2 811070DD487F7AF895 F35BEEF9FE4D1.EML	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
DOJ00036804	DOJ00036804	DOJ00036804	DOJ00036805	Tucker, Rachael (OAG)	Gore, John (CRT)	N/A	12/8/17 12:00 PM			201712082753699 20 1712081700070000 2 80CEC9BDD0C5850EC 20512E8D283171.EML	DPP; PII	Email between DOJ lawyers discussing and proposing edits to the draft Gary Letter. Deliberations pre-date the final Gary Letter and would reveal internal DOJ decisionmaking.
DOJ00036805	DOJ00036805	DOJ00036804	DOJ00036805	N/A	N/A	N/A			12/8/17 11:28 AM	Request for Citizenship Information.Dec 8 REDLINE.docx	DPP	This is a draft of the Gary letter which contains text and comments which are different from the final version and which reflect internal agency deliberations.
DOJ00036806	DOJ00036807	DOJ00036806	DOJ00036808	Gore, John (CRT)	Tucker, Rachael (OAG)	N/A	12/8/17 4:26 PM			201712113000846 20 1712082126480000 2 907826D4DCE59C78C1 4E623DDA38A2A1.EML	DPP; PII	Discussion between DOJ attorneys concerning proposed changes to the draft Gary Letter and the process for issuing the Gary Letter. Discussions pre-date the final Gary Letter, and revealing them would reveal internal agency decisionmaking. PII also redacted to avoid unsolicited contact.
DOJ00036808	DOJ00036808	DOJ00036806	DOJ00036808	N/A	N/A	N/A			12/8/17 4:23 PM	Request for Citizenship Information.Dec 8 REDLINE edits.docx	DPP	Draft of the Gary Letter that shows DOJ attorneys' edits.
DOJ00036823	DOJ00036824	DOJ00036823	DOJ00036824	Troester, Robert J. (ODAG) ; Gore, John (CRT)	Unspecified Sender	N/A	11/30/17 9:35 AM			RE: Census Letter.msg	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
DOJ00036835	DOJ00036837	DOJ00036835	DOJ00036837	Troester, Robert J. (ODAG) ; Tucker, Rachael (OAG)	Gore, John (CRT)	N/A	12/4/17 11:29 AM			Re: Census Letter.msg	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
DOJ00036838	DOJ00036839	DOJ00036838	DOJ00036840	Troester, Robert J. (ODAG) ; Tucker, Rachael (OAG)	Gore, John (CRT)	N/A	11/30/17 4:17 PM			RE: Census Letter.msg	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
DOJ00036840	DOJ00036840	DOJ00036838	DOJ00036840	N/A	N/A	N/A			11/30/17 4:16 PM	Request for Citizenship Information.Nov30 CLEAN.docx	DPP	A draft of the Gary Letter that pre-dates the final version of the Gary Letter, and which would reveal internal DOJ decisionmaking.
DOJ00036841	DOJ00036842	DOJ00036841	DOJ00036842	Tucker, Rachael (OAG); Gore, John (CRT)	Troester, Robert J. (ODAG)	N/A	11/30/17 10:18 AM			RE: Census Letter.msg	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
DOJ00036843	DOJ00036844	DOJ00036843	DOJ00036844	Tucker, Rachael (OAG)	Gore, John (CRT)	Troester, Robert J. (ODAG)	11/30/17 10:08 AM			Re: Census Letter.msg	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
DOJ00036845	DOJ00036846	DOJ00036845	DOJ00036847	Gore, John (CRT); Tucker, Rachael (OAG)	Troester, Robert J. (ODAG)	N/A	11/30/17 9:21 AM			RE: Census Letter.msg	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
DOJ00036847	DOJ00036847	DOJ00036845	DOJ00036847	N/A	N/A	N/A			11/30/17 9:20 AM	Request for Citizenship Information.Nov26 REDLINE RCT edits (RJT edits).docx	DPP	Draft of the Gary Letter which pre-dates the final letter and would reveal internal DOJ deliberations if released.

Prod.:Beg. Bates	Prod.:End Bates	Prod.:Beg. Attac	Prod.:End Attac	To	FROM	CC	DATE / SENT	AUTHOR	DATE TIME CRTD	FILENAME	Privilege	Privilege Log Description
DOJ00036848	DOJ00036848	DOJ00036848	DOJ00036848	Tucker, Rachael (OAG)	Gore, John (CRT)	Troester, Robert J. (ODAG)	11/30/17 7:31 AM			Re: Census Letter.msg	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
DOJ00036849	DOJ00036849	DOJ00036849	DOJ00036850	Tucker, Rachael (OAG); Troester, Robert J. (ODAG)	Gore, John (CRT)	N/A	11/27/17 12:42 PM			Census Letter.msg	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
DOJ00036850	DOJ00036850	DOJ00036849	DOJ00036850	N/A	N/A	N/A			11/25/17 4:28 PM	Request for Citizenship Information.Nov26 REDLINE.docx	DPP	A draft of the Gary Letter that pre-dates the final Gary Letter and shows the edits of a DOJ attorney.
DOJ00036855	DOJ00036856	DOJ00036855	DOJ00036857	Gore, John (CRT)	Tucker, Rachael (OAG)	N/A	12/8/17 4:26 PM			RE: Letter.msg	DPP; PII	Email between DOJ lawyers discussing and proposing edits to the draft Gary Letter. Deliberations pre-date the final Gary Letter and would reveal internal DOJ decisionmaking.
DOJ00036857	DOJ00036857	DOJ00036855	DOJ00036857	N/A	N/A	N/A			12/8/17 4:23 PM	Request for Citizenship Information.Dec 8 REDLINE edits.docx	DPP	Draft of the Gary Letter showing DOJ attorneys' edits to the text and organization of the letter
DOJ00036858	DOJ00036860	DOJ00036858	DOJ00036860	Gore, John (CRT); Troester, Robert J. (ODAG)	Tucker, Rachael (OAG)	N/A	12/4/17 11:50 AM			RE: Census Letter.msg	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
DOJ00036861	DOJ00036863	DOJ00036861	DOJ00036863	Gore, John (CRT); Troester, Robert J. (ODAG)	Unspecified Sender	N/A	12/4/17 11:37 AM			RE: Census Letter.msg	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
DOJ00036864	DOJ00036865	DOJ00036864	DOJ00036865	Gore, John (CRT)	Tucker, Rachael (OAG)	Troester, Robert J. (ODAG)	11/30/17 10:17 AM			RE: Census Letter.msg	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
DOJ00036866	DOJ00036867	DOJ00036866	DOJ00036867	Troester, Robert J. (ODAG) ; Gore, John (CRT)	Tucker, Rachael (OAG)	N/A	11/30/17 9:38 AM			RE: Census Letter.msg	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
DOJ00036868	DOJ00036868	DOJ00036868	DOJ00036869	Gore, John (CRT); Troester, Robert J. (ODAG)	Tucker, Rachael (OAG)	N/A	11/29/17 8:47 PM			RE: Census Letter.msg	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
DOJ00036869	DOJ00036869	DOJ00036868	DOJ00036869	N/A	N/A	N/A			11/29/17 8:46 PM	Request for Citizenship Information.Nov26 REDLINE RCT edits.docx	DPP	Draft of the Gary Letter that pre-dates the final Gary Letter and shows the edits of a DOJ attorney.
DOJ00036870	DOJ00036870	DOJ00036870	DOJ00036870	Gore, John (CRT); Troester, Robert J. (ODAG)	Tucker, Rachael (OAG)	N/A	11/27/17 3:55 PM			RE: Census Letter.msg	DPP; PII	Redacted internal agency discussions regarding changes to a draft of the Gary Letter and the proposed process for issuing the Gary Letter. Redacted phone numbers and emails as PII.
DOJ00039774	DOJ00039774	DOJ00039774	DOJ00039775	Posner, Morton J (JMD)	Gary, Arthur (JMD)	N/A	11/3/17 5:17 PM			FW Close Hold Draft Letter.msg	PII	Redacted PII to avoid unsolicited contact.
DOJ00039775	DOJ00039775	DOJ00039774	DOJ00039775	N/A	N/A	N/A			11/3/17 3:34 PM	Letter (rev).docx	DPP	Draft copy of the Gary Letter.
DOJ00049873	DOJ00049873	DOJ00049873	DOJ00049893	Cooper, Tink (CRT)	Unspecified Sender	N/A	2/12/18 2:24 PM			FOIA Requests 18- 00102-F and 18-00104- F.msg	DPP	Email between DOJ attorneys discussing appropriate response to a FOIA request concerning the addition of the citizenship question and pre-dating the final decision concerning the FOIA response.

Prod.:Beg. Bate	Prod.:End Bates	Prod.:Beg. Attac	Prod.:End Attac	To	FROM	CC	DATE / SENT	AUTHOR	DATE TIME CRTD	FILENAME	Privilege	Privilege Log Description
DOJ00049873	DOJ00049873	DOJ00049873	DOJ00049893	Cooper, Tink (CRT)	Unspecified Sender	N/A	2/12/18 2:24 PM			FOIA Requests 18- 00102-F and 18-00104- F.msg	DPP	Email between DOJ attorneys discussing appropriate response to a FOIA request concerning the addition of the citizenship question and pre-dating the final decision concerning the FOIA response.
DOJ00049887	DOJ00049887	DOJ00049873	DOJ00049893	N/A	N/A	N/A		John Gore	10/31/17 11:17 AM	Email 1 - 11.01.2017.pdf*Letter.docx	DPP	Draft of the Gary Letter that pre-dates the final Gary Letter and reflects agency deliberations concerning the process of requesting the addition of a citizenship question. In addition, this attachment was prepared as part of the agency's deliberative process in responding to a FOIA request and may not reflect the final form of the FOIA release.
DOJ00049890	DOJ00049890	DOJ00049873	DOJ00049893	N/A	N/A	N/A			11/3/17 2:04 PM	Email 3 - 11.03.2017.pdf*Letter (rev).docx	DPP	Draft of the Gary Letter that pre-dates the final Gary Letter and displays comments and edits by DOJ attorneys. In addition, this attachment was prepared as part of the agency's deliberative process in responding to a FOIA request and may not reflect the final form of the FOIA release.
DOJ00062331	DOJ00062331	DOJ00062331	DOJ00062352	Cooper, Tink (CRT)	Herren, Chris (CRT)	N/A	2/12/18 2:39 PM			FOIA Requests 18- 00102-F and 18-00104- F.msg	DPP	Email conveying documents potentially responsive to FOIA requests and discussing their contents as part of ongoing deliberations over how to respond to the FOIA requests
DOJ00062331	DOJ00062331	DOJ00062331	DOJ00062352	Cooper, Tink (CRT)	Herren, Chris (CRT)	N/A	2/12/18 2:39 PM			FOIA Requests 18- 00102-F and 18-00104- F.msg	DPP	Email conveying documents potentially responsive to FOIA requests and discussing their contents as part of ongoing deliberations over how to respond to the FOIA requests
DOJ00062345	DOJ00062345	DOJ00062331	DOJ00062352	N/A	N/A	N/A		John Gore	10/31/17 11:17 AM	Email 1 - 11.01.2017.pdf*Letter.docx	DPP	Draft of letter to Census regarding reinstatement of the citizenship question.
DOJ00062348	DOJ00062348	DOJ00062331	DOJ00062352	N/A	N/A	N/A			11/3/17 2:04 PM	Email 3 - 11.03.2017.pdf*Letter (rev).docx	DPP	Draft letter concerning reinstatement of citizenship question including comments from Justice Department attorney.
DOJ00074703	DOJ00074703	DOJ00074703	DOJ00074724	Cooper, Tink (CRT)	Herren, Chris (CRT)	N/A	2/12/18 2:39 PM			FOIA Requests 18- 00102-F and 18-00104- F.msg	DPP	Email chain between DOJ attorneys discussing why certain information in a FOIA request should be withheld as deliberative.
DOJ00074703	DOJ00074703	DOJ00074703	DOJ00074724	Cooper, Tink (CRT)	Herren, Chris (CRT)	N/A	2/12/18 2:39 PM			FOIA Requests 18- 00102-F and 18-00104- F.msg	DPP	Email chain between DOJ attorneys discussing why certain information in a FOIA request should be withheld as deliberative.
DOJ00074717	DOJ00074717	DOJ00074703	DOJ00074724	N/A	N/A	N/A		John Gore	10/31/17 11:17 AM	Email 1 - 11.01.2017.pdf*Letter.docx	DPP	Draft of Art Gary letter
DOJ00074720	DOJ00074720	DOJ00074703	DOJ00074724	N/A	N/A	N/A			11/3/17 2:04 PM	Email 3 - 11.03.2017.pdf*Letter (rev).docx	DPP	Draft of Art Gary letter
DOJ00107749	DOJ00107749	DOJ00107749	DOJ00107749	Tucker, Rachael (OAG)	Gore, John (CRT)	Troester, Robert J. (ODAG)	11/30/17 10:08 AM			Re: Census Letter.msg	AWP; DPP; PII	Email chain discussing edits to draft letter to Census Bureau requesting citizenship question.

Prod.:Beg. Bate	Prod.:End Bates	Prod.:Beg. Attac	Prod.:End Attac	To	FROM	CC	DATE / SENT	AUTHOR	DATE TIME CRTD	FILENAME	Privilege	Privilege Log Description
DOJ00125619	DOJ00125619	DOJ00125619	DOJ00125620	Hamilton, Gene (OAG)	Tucker, Rachael (OAG)	N/A	11/28/17 7:34 PM			201711291915764 20 1711290034220000 Z 00906A7B19402C2DA2 995E6039387E91.EML	DPP; PII	Email between DOJ lawyers discussing and proposing edits to the draft Gary Letter. Deliberations pre-date the final Gary Letter and would reveal internal DOJ decisionmaking. PII redacted to avoid unsolicited contact.
DOJ00125620	DOJ00125620	DOJ00125619	DOJ00125620	N/A	N/A	N/A			11/25/17 4:28 PM	Request for Citizenship Information.Nov26 REDLINE.docx	DPP	Proposed edits to the draft Gary Letter. Pre-dates the final Gary Letter and would reveal internal DOJ decisionmaking.
DOJ00125621	DOJ00125621	DOJ00125621	DOJ00125621	Tucker, Rachael (OAG)	Hamilton, Gene (OAG)	N/A	11/29/17 6:28 PM			201712012098601 20 1711292328360000 Z 205D76CFA4F0764E47 ACB867F94981D1.EML	DPP; PII	Email between DOJ lawyers discussing and proposing edits to the draft Gary Letter. Deliberations pre-date the final Gary Letter and would reveal internal DOJ decisionmaking. PII redacted to avoid unsolicited contact.
DOJ00125622	DOJ00125622	DOJ00125622	DOJ00125622	Hamilton, Gene (OAG)	Tucker, Rachael (OAG)	N/A	11/29/17 6:28 PM			201712012098602 20 1711292328040000 Z 205D81576DE0C6797B F9D652ABA96E51.EML	DPP; PII	Email between DOJ lawyers discussing and proposing edits to the draft Gary Letter. Deliberations pre-date the final Gary Letter and would reveal internal DOJ decisionmaking. PII redacted to avoid unsolicited contact.
DOJ00125623	DOJ00125623	DOJ00125623	DOJ00125623	Tucker, Rachael (OAG)	Hamilton, Gene (OAG)	N/A	11/29/17 6:03 PM			201712012098747 20 17112923303000000 Z 206738D3DFD5A396CE FDF25D8D345261.EML	DPP; PII	Email between DOJ lawyers discussing and proposing edits to the draft Gary Letter. Deliberations pre-date the final Gary Letter and would reveal internal DOJ decisionmaking. PII redacted to avoid unsolicited contact.
DOJ00125624	DOJ00125624	DOJ00125624	DOJ00125624	Hamilton, Gene (OAG)	Tucker, Rachael (OAG)	N/A	11/29/17 6:29 PM			201712012098758 20 1711292329280000 Z 2067F1C340F08DD90A F600D416993EC1.EML	DPP; PII	Email between DOJ lawyers discussing and proposing edits to the draft Gary Letter. Deliberations pre-date the final Gary Letter and would reveal internal DOJ decisionmaking. PII redacted to avoid unsolicited contact.
DOJ00125625	DOJ00125625	DOJ00125625	DOJ00125625	Tucker, Rachael (OAG)	Hamilton, Gene (OAG)	N/A	11/29/17 6:29 PM			201712012098964 20 1711292329560000 Z 2075BA9652410F4FE4 3BF5164EED86B1.EML	DPP; PII	Email between DOJ lawyers discussing and proposing edits to the draft Gary Letter. Deliberations pre-date the final Gary Letter and would reveal internal DOJ decisionmaking. PII redacted to avoid unsolicited contact.
DOJ00125626	DOJ00125626	DOJ00125626	DOJ00125627	Hamilton, Gene (OAG)	Tucker, Rachael (OAG)	N/A	12/8/17 12:09 PM			201712082753741 20 1712081709530000 Z 80D18EBFDA75CCA255 162B5F45088841.EML	DPP; PII	Email between DOJ lawyers discussing and proposing edits to the draft Gary Letter. Deliberations pre-date the final Gary Letter and would reveal internal DOJ decisionmaking.
DOJ00125626	DOJ00125626	DOJ00125626	DOJ00125627	Hamilton, Gene (OAG)	Tucker, Rachael (OAG)	N/A	12/8/17 12:09 PM			201712082753741 20 1712081709530000 Z 80D18EBFDA75CCA255 162B5F45088841.EML	DPP; PII	Email between DOJ lawyers discussing and proposing edits to the draft Gary Letter. Deliberations pre-date the final Gary Letter and would reveal internal DOJ decisionmaking.
DOJ00125627	DOJ00125627	DOJ00125626	DOJ00125627	N/A	N/A	N/A			12/8/17 11:28 AM	Request for Citizenship Information.Dec 8 REDLINE.docx	DPP	This is a draft of the Gary letter which contains text and comments which are different from the final version and which reflect internal agency deliberations.
DOJ00125790	DOJ00125790	DOJ00125790	DOJ00125791	Morrissey, Brian (OAG)	Tucker, Rachael (OAG)	N/A	12/8/17 2:46 PM			201712113000780 20 1712081946050000 Z 9076CBES72DEC33226 69C98D2F5F8A11.EML	DPP; PII	Email between DOJ lawyers discussing and proposing edits to the draft Gary Letter. Deliberations pre-date the final Gary Letter and would reveal internal DOJ decisionmaking.
DOJ00125791	DOJ00125791	DOJ00125790	DOJ00125791	N/A	N/A	N/A			12/8/17 11:28 AM	Request for Citizenship Information.Dec 8 REDLINE.docx	DPP	This is a draft of the Gary letter which contains text and comments which are different from the final version and which reflect internal agency deliberations.

Prod.:Beg. Bate	Prod.:End Bates	Prod.:Beg. Attac	Prod.:End Attac	To	FROM	CC	DATE / SENT	AUTHOR	DATE TIME CRTD	FILENAME	Privilege	Privilege Log Description
DOJ00125792	DOJ00125792	DOJ00125792	DOJ00125793	Tucker, Rachael (OAG)	Morrissey, Brian (OAG)	N/A	12/8/17 3:57 PM			201712113000806 20 1712082057420000 Z 907875E53C7AF5AD37 2B5A67F548FDA1.EML	DPP; PII	Email between DOJ lawyers discussing and proposing edits to the draft Gary Letter. Deliberations pre-date the final Gary Letter and would reveal internal DOJ decisionmaking.
DOJ00125793	DOJ00125793	DOJ00125792	DOJ00125793	N/A	N/A	N/A			12/8/17 3:11 PM	Request for Citizenship Information.Dec 8 REDLINE (4.00pm).docx	DPP	This is a draft of the Gary letter which contains text and comments which are different from the final version and which reflect internal agency deliberations.
DOJ00125794	DOJ00125794	DOJ00125794	DOJ00125795	Tucker, Rachael (OAG)	Morrissey, Brian (OAG)	N/A	12/8/17 3:57 PM			RE: Letter.msg	DPP; PII	Email between DOJ lawyers discussing and proposing edits to the draft Gary Letter. Deliberations pre-date the final Gary Letter and would reveal internal DOJ decisionmaking.
DOJ00125795	DOJ00125795	DOJ00125794	DOJ00125795	N/A	N/A	N/A			12/8/17 3:11 PM	Request for Citizenship Information.Dec 8 REDLINE (4.00pm).docx	DPP	This is a draft of the Gary letter which contains text and comments which are different from the final version and which reflect internal agency deliberations.
DOJ00128664	DOJ00128664	DOJ00128664	DOJ00128669	Hamilton, Gene (OAG)	Tucker, Rachael (OAG)	N/A	11/28/17 7:34 PM			201711302080479~20 1711290034220000~z~e1457221d905540463 0e5820dcaf09d1(1).em l.msg	PII	Redactions made to PII.
DOJ00128665	DOJ00128665	DOJ00128664	DOJ00128669	Hamilton, Gene (OAG)	Tucker, Rachael (OAG)	N/A	11/28/17 7:34 PM			Census Letter.eml	DPP; PII	Redactions made to PII and attorney's mental impressions regarding the census letter.
DOJ00128666	DOJ00128669	DOJ00128664	DOJ00128669	N/A	N/A	N/A			11/25/17 4:28 PM	Request for Citizenship Information.Nov26 REDLINE.docx	DPP; PII	Redacted in full of edits made to draft letter to US Census regarding 2020 census questions.
DOJ00128670	DOJ00128670	DOJ00128670	DOJ00128671	Hamilton, Gene (OAG)	Tucker, Rachael (OAG)	N/A	11/29/17 6:28 PM			201711302080491~20 1711292328040000~z~e14649279c7adc28834 7c89d38e95e81.eml.m sg	PII	Redaction made to remove PII containing emails.
DOJ00128671	DOJ00128671	DOJ00128670	DOJ00128671	Hamilton, Gene (OAG)	Tucker, Rachael (OAG)	N/A	11/29/17 6:28 PM			Re Census Letter.eml	DPP; PII	Redacted DOJ attorneys concerning draft letter, which pre-date final letter. PII redacted.
DOJ00128672	DOJ00128672	DOJ00128672	DOJ00128673	Hamilton, Gene (OAG)	Tucker, Rachael (OAG)	N/A	11/29/17 6:29 PM			201711302080492~20 1711292329280000~Z~E14649C817D60B2B48 D2E53D81A83371.EML	PII	PII redacted.
DOJ00128673	DOJ00128673	DOJ00128672	DOJ00128673	Hamilton, Gene (OAG)	Tucker, Rachael (OAG)	N/A	11/29/17 6:29 PM			Re Census Letter.eml	DPP; PII	Redacted DOJ attorneys concerning draft letter, which pre-date final letter. PII redacted.
DOJ00128674	DOJ00128674	DOJ00128674	DOJ00128675	Morrissey, Brian (BOP)	Tucker, Rachael (OAG)	N/A	12/8/17 1:55 PM			201712113000722~20 1712081855430000~z~9072d3973eb760028fb 7e3e390998e11.eml	DPP; PII	Email between DOJ lawyers discussing and proposing edits to the draft Gary Letter. Deliberations pre-date the final Gary Letter and would reveal internal DOJ decisionmaking.
DOJ00128675	DOJ00128675	DOJ00128674	DOJ00128675	N/A	N/A	N/A			12/8/17 11:28 AM	Request for Citizenship Information.Dec 8 REDLINE.docx	DPP	This is a draft of the Gary letter which contains text and comments which are different from the final version and which reflect internal agency deliberations.
DOJ00128675	DOJ00128675	DOJ00128674	DOJ00128675	N/A	N/A	N/A			12/8/17 11:28 AM	Request for Citizenship Information.Dec 8 REDLINE.docx	DPP	This is a draft of the Gary letter which contains text and comments which are different from the final version and which reflect internal agency deliberations.
DOJ00128676	DOJ00128676	DOJ00128676	DOJ00128676	Bryant, Errical (OAG)	Tucker, Rachael (OAG)	N/A	1/29/18 5:32 PM			201801297265363~20 1801292232160000~Z~F0184B7E59CE00D019 19DF6A60ED27531.EML	PII	Redacted for PII (email and phone number).
DOJ00128677	DOJ00128677	DOJ00128677	DOJ00128677	Tucker, Rachael (OAG)	Bryant, Errical (OAG)	N/A	1/30/18 9:47 AM			201801307323801~20 1801301447530000~Z~91404CC8A02E36BA63 3850F31A6A0671.EML	PII	Redactions made to PII (phone number and email).
DOJ00128678	DOJ00128678	DOJ00128678	DOJ00128678	Bryant, Errical (OAG)	Tucker, Rachael (OAG)	N/A	1/30/18 9:48 AM			201801307323864~20 1801301448170000~z~91448e65728205aad87 f058795cd851.eml	PII	Redacted to remove PII containing emails and phone numbers.

Prod.:Beg. Bate	Prod.:End Bates	Prod.:Beg. Attac	Prod.:End Attac	To	FROM	CC	DATE / SENT	AUTHOR	DATE TIME CRTD	FILENAME	Privilege	Privilege Log Description
DOJ00128679	DOJ00128679	DOJ00128679	DOJ00128679	Tucker, Rachael (OAG)	Bryant, Errical (OAG)	N/A	1/30/18 10:26 AM			201801307326144~20 1801301526450000~2~ A0745575FA5FDD3CC3 3C1FACB0234D81.FML	Pii	Redactions made to Pii (phone number and emails).
DOJ00128771	DOJ00128771	DOJ00128771	DOJ00128772	Brian Morrissey (OAG)	Tucker, Rachael (OAG)	N/A	12/8/17 2:46 PM			FW: Letter.msg	DPP; Pii	Email between DOJ lawyers discussing and proposing edits to the draft Gary Letter. Deliberations pre-date the final Gary Letter and would reveal internal DOJ decisionmaking.
DOJ00128772	DOJ00128772	DOJ00128771	DOJ00128772	N/A	N/A	N/A			12/8/17 11:28 AM	Request for Citizenship Information.Dec 8 REDLINE.docx	DPP	This is a draft of the Gary letter which contains text and comments which are different from the final version and which reflect internal agency deliberations.
DOJ00128773	DOJ00128773	DOJ00128773	DOJ00128774	N/A	Unspecified Sender	N/A	12/8/17 2:43 PM			FW: Letter.msg	DPP; Pii	Unsent, draft email between DOJ lawyers discussing and proposing edits to the draft Gary Letter. Deliberations pre-date the final Gary Letter and would reveal internal DOJ decisionmaking.
DOJ00128774	DOJ00128774	DOJ00128773	DOJ00128774	N/A	N/A	N/A			12/8/17 11:28 AM	Request for Citizenship Information.Dec 8 REDLINE.docx	DPP	This is a draft of the Gary letter which contains text and comments which are different from the final version and which reflect internal agency deliberations.
DOJ00128780	DOJ00128780	DOJ00128779	DOJ00128780	N/A	N/A	N/A			11/25/17 4:28 PM	Request for Citizenship Information.Nov26 REDLINE.docx	DPP	Draft version of Gary letter with edits.
DOJ00128783	DOJ00128783	DOJ00128783	DOJ00128784	Gene Hamilton (OAG)	Tucker, Rachael (OAG)	N/A	12/8/17 12:09 PM			FW: Letter.msg	DPP; Pii	Email between DOJ lawyers discussing and proposing edits to the draft Gary Letter. Deliberations pre-date the final Gary Letter and would reveal internal DOJ decisionmaking.
DOJ00128784	DOJ00128784	DOJ00128783	DOJ00128784	N/A	N/A	N/A			12/8/17 11:28 AM	Request for Citizenship Information.Dec 8 REDLINE.docx	DPP	This is a draft of the Gary letter which contains text and comments which are different from the final version and which reflect internal agency deliberations.
DOJ00128848	DOJ00128848	DOJ00128848	DOJ00128849	Morrissey, Brian (BOP)	Tucker, Rachael (OAG)	N/A	12/8/17 1:55 PM			FW: Letter.msg	DPP; Pii	Email between DOJ lawyers discussing and proposing edits to the draft Gary Letter. Deliberations pre-date the final Gary Letter and would reveal internal DOJ decisionmaking.
DOJ00128849	DOJ00128849	DOJ00128848	DOJ00128849	N/A	N/A	N/A			12/8/17 11:28 AM	Request for Citizenship Information.Dec 8 REDLINE.docx	DPP	This is a draft of the Gary letter which contains text and comments which are different from the final version and which reflect internal agency deliberations.

# **EXHIBIT 46**



**DOCUMENTS RELATED TO CHRISTA JONES' INVOLVEMENT****(Blue—Only DPP Asserted; Green—ACP Asserted; Black—DPP and ACP Asserted)**

<b>Category</b>	<b>Documents Numbers</b>
<b>Christa Jones' involvement in drafting the Ross Decisional Memorandum</b>	AR <b>1479</b> , 1766, <b>2726</b> , <b>2765</b> , <b>2869</b> , <b>2681</b> , <b>2690</b> , <b>2877</b> , <b>2894</b> , <b>2916</b> , 4075, 4085, 4088, <b>4135</b> , 5577, 5605, 5608, <b>5783</b> , 5788, 5798, 5804, 5809, 5813, 5818, 5822, 5836, 5840, 5844, 5847, 5850, 5853, 5856, 5859, 5862, 5865, 7371, 11282 COM_DIS00019994, 19997, 20014, 20017, 20018, 20020, 20023, 20083, <b>20093</b> , <b>20094</b> , <b>20095</b> , <b>20096</b> , <b>20097</b> , <b>20098</b> , <b>20099</b> , 20127, <b>20137</b> , <b>20138</b> , <b>20139</b> , <b>20140</b> , <b>20142</b> , <b>20143</b> , <b>20144</b> , <b>20154</b>
<b>Christa Jones' efforts to secure administrative records</b>	AR 1858, 1859, <b>3495</b> , <b>3496</b> , <b>3498</b> , <b>3499</b> , <b>3501</b> , <b>3573</b> , 3589, <b>9326</b> , 9327, <b>9328</b> , <b>9374</b> , <b>9380</b> , 9721, <b>9723</b> , <b>9736</b>

# **EXHIBIT 47**

Prod.: Beg. Bates	Prod.: End Bates	Prod.: Beg. Attach.	Prod.: End Attach.	To	From	CC	Date/Sent	AUTHOR	DATE TIME CRTD	File Name	Privilege	Privilege Comments
0001479	0001479	0001479	0001517	Comstock, Earl (Federal); Uthmeier, James (Federal)	Walsh, Michael (Federal)	Kelley, Karen (Federal)	3/24/2018 16:25			Fw: Questions.msg	AC - Attorney Client Privilege; PII - Personal Privacy	Emails with counsel about census questions
0001766	0001766	0001766	0001766	Uthmeier, James (Federal); Freitas, Jessica (Federal)	Walsh, Michael (Federal)		3/23/2018 19:25			Fw: Questions - Need Answers ASAP.msg	AC - Attorney Client Privilege; WP - Work Product; DP - Deliberative Process	Emails with counsel about questions about draft Census materials
0001858	0001858	0001858	0001860	Uthmeier, James (Federal)	Walsh, Michael (Federal)		3/20/2018 07:58			FW: Administrative Records Updates.msg	AC - Attorney Client Privilege; WP - Work Product; DP - Deliberative Process	Emails with counsel about MOU updates and state contact status
0001859	0001859	0001858	0001860	N/A	N/A		3/19/2018	Christa Jones	3/19/2018 8:00 PM	MOU Citizenship Updates 3.19.2018.docx	AC - Attorney Client Privilege; WP - Work Product; DP - Deliberative Process	Draft updates on MOUs with other agencies about citizenship data
0002681	0002689	0002681	0002689	Victoria Velkoff (CENSUS/ACSO FED)	Enrique Lamas	Ron S Jarmin (CENSUS/ADEP FED); John Maron Abowd (CENSUS/ADRM FED); Christa Jones (CENSUS/ADEP FED)	3/24/2018 10:38			Re: Questions - Need Answers ASAP.msg	AC - Attorney Client Privilege; PII - Personal Privacy; WP - Work Product	Emails with counsel about self-response rates
0002690	0002700	0002690	0002700	John Maron Abowd (CENSUS/ADRM FED)	Enrique Lamas	Ron S Jarmin (CENSUS/ADEP FED); Christa Jones (CENSUS/ADEP FED); Victoria Velkoff (CENSUS/ACSO FED)	3/24/2018 10:25			Re: Questions - Need Answers ASAP.msg	AC - Attorney Client Privilege; PII - Personal Privacy; WP - Work Product	Emails with counsel about self-response rates
0002726	0002726	0002726	0002764	Michael Walsh	Christa Jones (CENSUS/ADEP FED)	Karen "KDK" Dunn Kelley; Ron S Jarmin (CENSUS/ADEP FED); Enrique Lamas (CENSUS/ADDP FED)	3/24/2018 16:15			Questions.msg	AC - Attorney Client Privilege; PII - Personal Privacy	Email to counsel about responses to questions about census

Prod.: Beg. Bates	Prod.: End Bates	Prod.: Beg. Attach.	Prod.: End Attach.	To	From	CC	Date/Sent	AUTHOR	DATE TIME CRTD	File Name	Privilege	Privilege Comments
0002765	0002773	0002765	0002868	Christa Jones (CENSUS/ADEP FED); Ron S Jarmin (CENSUS/ADEP FED); Victoria Velkoff (CENSUS/ACSO FED)	John Maron Abowd (CENSUS/ADRM FED)	Enrique Lamas (CENSUS/ADDP FED)	3/24/2018 15:34			Re: Questions - Need Answers ASAP.msg	AC - Attorney Client Privilege; PII - Personal Privacy; WP - Work Product	Emails with counsel about self- response rates
0002869	0002876	0002869	0002876	Christa Jones (CENSUS/ADEP FED); Ron S Jarmin (CENSUS/ADEP FED); Victoria Velkoff (CENSUS/ACSO FED)	John Maron Abowd (CENSUS/ADRM FED)	Enrique Lamas (CENSUS/ADDP FED)	3/24/2018 15:25			Re: Questions - Need Answers ASAP.msg	AC - Attorney Client Privilege; PII - Personal Privacy; WP - Work Product	Emails with counsel about self- response rates
0002877	0002884	0002877	0002893	Christa Jones (CENSUS/ADEP FED); Ron S Jarmin (CENSUS/ADEP FED); Victoria Velkoff (CENSUS/ACSO FED)	John Maron Abowd (CENSUS/ADRM FED)	Enrique Lamas (CENSUS/ADDP FED)	3/24/2018 13:06			Re: Questions - Need Answers ASAP.msg	AC - Attorney Client Privilege; PII - Personal Privacy; WP - Work Product	Emails with counsel about self- response rates
0002894	0002901	0002894	0002901	Christa Jones (CENSUS/ADEP FED); Ron S Jarmin (CENSUS/ADEP FED); Victoria Velkoff (CENSUS/ACSO FED)	John Maron Abowd (CENSUS/ADRM FED)	Enrique Lamas (CENSUS/ADDP FED)	3/24/2018 12:52			Re: Questions - Need Answers ASAP.msg	AC - Attorney Client Privilege; PII - Personal Privacy; WP - Work Product	Emails with counsel about self- response rates
0002916	0002920	0002916	0002920	Christa Jones (CENSUS/ADEP FED)	John Maron Abowd (CENSUS/ADRM FED)	Victoria Velkoff (CENSUS/ACSO FED); Enrique Lamas (CENSUS/ADDP FED); Ron S Jarmin (CENSUS/ADEP FED)	3/23/2018 22:59			Re: Questions - Need Answers ASAP.msg	AC - Attorney Client Privilege; PII - Personal Privacy; WP - Work Product	Emails with counsel about self- response rates
0003495	0003495	0003493	0003495	N/A	N/A		3/8/2018	Christa Jones	3/12/2018 4:25 PM	MOU Updates 3.11.2018.docx	AC - Attorney Client Privilege	Memorandum providing information regarding updates to MOU negotiations from agency officials in response to request from attorneys
0003496	0003497	0003496	0003498	Kelley, Karen (Federal)	S. Park-Su		3/12/2018 17:36			Fwd: MOUs.msg	AC - Attorney Client Privilege; PII - Personal Privacy	Communications between attorneys and agency officials regarding updates to MOU negotiations
0003498	0003498	0003496	0003498	N/A	N/A		3/8/2018	Christa Jones	3/12/2018 4:25 PM	MOU Updates 3.11.2018.docx	AC - Attorney Client Privilege	Memorandum providing information regarding updates to MOU negotiations from agency officials in response to request from attorneys

Prod.: Beg. Bates	Prod.: End Bates	Prod.: Beg. Attach.	Prod.: End Attach.	To	From	CC	Date/Sent	AUTHOR	DATE TIME CRTD	File Name	Privilege	Privilege Comments
0003499	0003500	0003499	0003501	Lenihan, Brian (Federal)	S. Park-Su		3/12/2018 17:36			Fwd: MOUs.msg	AC - Attorney Client Privilege; PII - Personal Privacy	Communications between attorneys and agency officials regarding updates to MOU negotiations
0003501	0003501	0003499	0003501	N/A	N/A		3/8/2018	Christa Jones	3/12/2018 4:25 PM	MOU Updates 3.11.2018.docx	AC - Attorney Client Privilege	Memorandum providing information regarding updates to MOU negotiations from agency officials in response to request from attorneys
0003573	0003573	0003571	0003573	N/A	N/A		3/8/2018	Christa Jones	3/12/2018 4:25 PM	MOU Updates 3.11.2018.docx	DP - Deliberative Process	Draft chart showing update to progress on obtaining memoranda of understanding
0003589	0003589	0003588	0003589	N/A	N/A		3/6/2018	Christa Jones	3/6/2018 11:11 AM	MOU Updates 3.6.2018.docx	AC - Attorney Client Privilege; DP - Deliberative Process	Attorney-client draft re MOUs
0004075	0004084	0004075	0004084	Ron S Jarmin; Christa Jones	John Maron Abowd	Victoria Velkoff; Enrique Lamas	3/24/2018 09:47			Re: Questions - Need Answers ASAP.msg	Deliberative Process	Questions by counsel and discussion of those questions
0004085	0004087	0004085	0004087	Ron S Jarmin	Walsh, Michael (Federal)	Christa Jones; Enrique Lamas	3/23/2018 19:24			Re: Questions - Need Answers ASAP.msg	Deliberative Process	Questions by counsel and discussion of those questions
0004088	0004090	0004088	0004090	Walsh, Michael (Federal)	Ron S Jarmin	Christa Jones; Enrique Lamas	3/23/2018 19:21			Re: Questions - Need Answers ASAP.msg	Deliberative Process	Questions by counsel and discussion of those questions
0004135	0004139	0004135	0004139	Victoria Velkoff; Enrique Lamas; Ron S Jarmin	Christa Jones	Melissa L Creech	3/21/2018 16:25			Re: Suggested revision to explanatory language to accompany citizenship question.msg	AC - Attorney Client Privilege; WP - Work Product	Emails with counsel about pre-decisional draft language accompanying citizenship question

Prod.: Beg. Bates	Prod.: End Bates	Prod.: Beg. Attach.	Prod.: End Attach.	To	From	CC	Date/Sent	AUTHOR	DATE TIME CRTD	File Name	Privilege	Privilege Comments
0005577	0005581	0005577	0005581	Victoria Velkoff	Enrique Lamas	Ron S Jarmin; John Maron Abowd; Christa Jones	3/24/2018 10:38			Re: Questions - Need Answers ASAP.msg	AC - Attorney Client Privilege; PII - Personal Privacy; DP - Deliberative Process	Questions posted by attorney and discussion of and responses to those questions
0005605	0005607	0005605	0005607	Christa Jones	John Abowd	Ron S Jarmin	3/23/2018 22:46			Re: Questions - Need Answers ASAP.msg	AC - Attorney Client Privilege; PII - Personal Privacy; DP - Deliberative Process	Questions posed by attorney in connection with formulating legal advice
0005608	0005610	0005608	0005610	Christa Jones	John Abowd		3/23/2018 19:38			Re: Questions - Need Answers ASAP.msg	AC - Attorney Client Privilege; PII - Personal Privacy; DP - Deliberative Process	Questions posed by attorney in connection with formulating legal advice
0005783	0005783	0005783	0005787	Ron S Jarmin; Enrique Lamas; John Maron Abowd; Victoria Velkoff	Christa Jones		3/24/2018 13:39			Fw: Alternatives Documents.msg	AC - Attorney Client Privilege	Email to DOC attorney providing documents.
0005788	0005792	0005788	0005797	Enrique Lamas	Victoria Velkoff	Ron S Jarmin; John Maron Abowd; Christa Jones	3/24/2018 13:25			Re: Questions - Need Answers ASAP.msg	AC - Attorney Client Privilege; PII - Personal Privacy; DP - Deliberative Process	Questions posed by attorney in connection with formulating legal advice, and reference to that question
0005798	0005803	0005798	0005803	John Maron Abowd; Ron S Jarmin; Victoria Velkoff	Christa Jones	Enrique Lamas	3/24/2018 13:12			Re: Questions - Need Answers ASAP.msg	AC - Attorney Client Privilege; PII - Personal Privacy; DP - Deliberative Process	Questions posed by attorney in connection with formulating legal advice, and discussion of the question
0005804	0005808	0005804	0005808	Enrique Lamas	Victoria Velkoff	Ron S Jarmin; John Maron Abowd; Christa Jones	3/24/2018 12:21			Re: Questions - Need Answers ASAP.msg	AC - Attorney Client Privilege; PII - Personal Privacy; DP - Deliberative Process	Questions posed by attorney in connection with formulating legal advice, and discussion of the question

Prod.: Beg. Bates	Prod.: End Bates	Prod.: Beg. Attach.	Prod.: End Attach.	To	From	CC	Date/Sent	AUTHOR	DATE TIME CRTD	File Name	Privilege	Privilege Comments
0005809	0005812	0005809	0005812	John Maron Abowd; Ron S Jarmin; Victoria Velkoff	Christa Jones	Enrique Lamas	3/24/2018 11:50			Re: Questions - Need Answers ASAP.msg	AC - Attorney Client Privilege; PII - Personal Privacy; DP - Deliberative Process	Questions posed by attorney in connection with formulating legal advice, and discussion of the questions
0005813	0005817	0005813	0005817	Christa Jones	Ron S Jarmin	Victoria Velkoff; John Maron Abowd; Enrique Lamas	3/24/2018 09:42			Re: Questions - Need Answers ASAP.msg	AC - Attorney Client Privilege; PII - Personal Privacy; DP - Deliberative Process	Questions posed by attorney in connection with formulating legal advice, and discussion of the questions
0005818	0005821	0005818	0005821	Victoria Velkoff	Christa Jones	Ron S Jarmin; John Maron Abowd; Enrique Lamas	3/24/2018 09:42			Re: Questions - Need Answers ASAP.msg	AC - Attorney Client Privilege; PII - Personal Privacy; WP - Work Product; DP - Deliberative Process	Questions posed by attorney in connection with formulating legal advice, and discussion of the questions
0005822	0005825	0005822	0005835	Ron S Jarmin; John Maron Abowd	Victoria Velkoff	Christa Jones; Enrique Lamas	3/24/2018 09:41			Re: Questions - Need Answers ASAP.msg	AC - Attorney Client Privilege; PII - Personal Privacy; DP - Deliberative Process	Questions posed by attorney in connection with formulating legal advice, and discussion of the questions
0005836	0005839	0005836	0005839	Ron S Jarmin; John Maron Abowd	Victoria Velkoff	Christa Jones; Enrique Lamas	3/24/2018 09:39			Re: Questions - Need Answers ASAP.msg	AC - Attorney Client Privilege; PII - Personal Privacy; DP - Deliberative Process	Questions posed by attorney in connection with formulating legal advice, and discussion of the questions
0005840	0005843	0005840	0005843	John Maron Abowd	Ron S Jarmin	Victoria Velkoff; Christa Jones; Enrique Lamas	3/24/2018 09:37			Re: Questions - Need Answers ASAP.msg	AC - Attorney Client Privilege; PII - Personal Privacy; DP - Deliberative Process	Questions posed by attorney in connection with formulating legal advice, and discussion of the questions

Prod.: Beg. Bates	Prod.: End Bates	Prod.: Beg. Attach.	Prod.: End Attach.	To	From	CC	Date/Sent	AUTHOR	DATE TIME CRTD	File Name	Privilege	Privilege Comments
0005844	0005846	0005844	0005846	Ron S Jarmin	Christa Jones	Victoria Velkoff; John Maron Abowd; Enrique Lamas	3/24/2018 09:06			Re: Questions - Need Answers ASAP.msg	AC - Attorney Client Privilege; PII - Personal Privacy; DP - Deliberative Process	Questions posed by attorney in connection with formulating legal advice, and discussion of the questions; personal information about individual's whereabouts
0005847	0005849	0005847	0005849	Victoria Velkoff; Christa Jones	Ron S Jarmin	John Maron Abowd; Enrique Lamas	3/24/2018 08:49			Re: Questions - Need Answers ASAP.msg	AC - Attorney Client Privilege; PII - Personal Privacy; DP - Deliberative Process	Questions posed by attorney in connection with formulating legal advice, and discussion of the questions
0005850	0005852	0005850	0005852	Christa Jones	Victoria Velkoff	John Maron Abowd; Enrique Lamas; Ron S Jarmin	3/24/2018 08:05			Re: Questions - Need Answers ASAP.msg	AC - Attorney Client Privilege; PII - Personal Privacy; DP - Deliberative Process	Questions posed by attorney in connection with formulating legal advice, and discussion of the questions
0005853	0005855	0005853	0005855	John Maron Abowd; Victoria Velkoff; Enrique Lamas; Ron S Jarmin	Christa Jones		3/23/2018 22:56			Fwd: Questions - Need Answers ASAP.msg	AC - Attorney Client Privilege; PII - Personal Privacy; DP - Deliberative Process	Questions posed by attorney in connection with formulating legal advice, and discussion of the questions
0005856	0005858	0005856	0005858	John Maron Abowd	Christa Jones		3/23/2018 22:55			Fwd: Questions - Need Answers ASAP.msg	AC - Attorney Client Privilege; PII - Personal Privacy; DP - Deliberative Process	Questions posed by attorney in connection with formulating legal advice, and discussion of the questions
0005859	0005861	0005859	0005861	John Maron Abowd	Christa Jones		3/23/2018 22:55			Re: Questions - Need Answers ASAP.msg	AC - Attorney Client Privilege; PII - Personal Privacy; DP - Deliberative Process	Questions posed by attorney in connection with formulating legal advice, and discussion of the questions



Prod.: Beg. Bates	Prod.: End Bates	Prod.: Beg. Attach.	Prod.: End Attach.	To	From	CC	Date/Sent	AUTHOR	DATE TIME CRTD	File Name	Privilege	Privilege Comments
0005862	0005864	0005862	0005864	John Maron Abowd; Ron S Jarmin	Christa Jones		3/23/2018 20:02			Re: Questions - Need Answers ASAP.msg	AC - Attorney Client Privilege; PII - Personal Privacy; DP - Deliberative Process	Questions posed by attorney in connection with formulating legal advice, and discussion of the questions
0005865	0005867	0005865	0005867	John Maron Abowd	Christa Jones		3/23/2018 19:32			Fwd: Questions - Need Answers ASAP.msg	AC - Attorney Client Privilege; PII - Personal Privacy; DP - Deliberative Process	Questions posed by attorney in connection with formulating legal advice, and discussion of the questions
0007371	0007375	0007371	0007470	Christa Jones; Ron S Jarmin; Victoria Velkoff	John Maron Abowd	Enrique Lamas	3/24/2018 15:34			Re: Questions - Need Answers ASAP.msg	AC - Attorney Client Privilege; PII - Personal Privacy; DP - Deliberative Process	Questions posed by attorney in connection with formulating legal advice, and discussion of the questions
0009326	0009326	0009326	0009326	Walsh, Michael (Federal)	Christa Jones	Ron S Jarmin; Enrique Lamas	3/20/2018 11:03			Re: Administrative Records Updates.msg	AC - Attorney Client Privilege	Attorney-client communications re MOUs
0009327	0009327	0009327	0009329	Michael Walsh	Christa Jones	Ron S Jarmin; Enrique Lamas	3/19/2018 20:02			Administrative Records Updates.msg	AC - Attorney Client Privilege; WP - Work Product; DP - Deliberative Process	Attorney-client communications re MOUs
0009328	0009328	0009327	0009329	N/A	N/A		3/8/2018	Christa Jones	3/19/2018 8:00 PM	MOU Citizenship Updates 3.19.2018.docx	PII - Personal Privacy; DP - Deliberative Process	Attorney-client communications re MOUs
0009374	0009375	0009371	0009375	N/A	N/A		3/8/2018	Christa Jones	3/8/2018 9:09 AM	MOU Updates 3.8.2018.docx	DP - Deliberative Process	Draft, deliberative document reflecting status of discussions with SSA, USCIS and State Department regarding Memoranda of Understanding.

Prod.: Beg. Bates	Prod.: End Bates	Prod.: Beg. Attach.	Prod.: End Attach.	To	From	CC	Date/Sent	AUTHOR	DATE TIME CRTD	File Name	Privilege	Privilege Comments
0009380	0009382	0009380	0009382	Michael A Berning (CENSUS/ERD FED)	Christa Jones	Ron S Jarmin; John Maron Abowd; Misty L Heggeness; J David Brown (CENSUS/CES FED); Epaphrodite Uwimana (CENSUS/ERD FED); Denise M Flanagan Doyle (CENSUS/ERD FED); Barry Robinson; Robin J Bachman; Byron Crenshaw	3/7/2018 10:28:00 AM			Re: Recap of Teleconference with Dept of State Passport Office.msg	N/A; DP - Deliberative Process	Description of deliberative and pre-decisional conversation between State Department and Census staff regarding possible use of State Department data.
0009721	0009721	0009720	0009721	N/A	N/A		3/8/2018	Christa Jones	3/12/2018 4:25 PM	MOU Updates 3.11.2018.docx	AC - Attorney Client Privilege; DP - Deliberative Process	Draft table of updates of MOUs with other agencies
0009723	0009723	0009722	0009723	N/A	N/A		3/6/2018	Christa Jones	3/6/2018 11:11 AM	MOU Updates 3.6.2018.docx	DP - Deliberative Process	Draft table of updates of MOUs with other agencies
0009736	0009736	0009735	0009736	N/A	N/A		2/23/2018	Christa Jones	2/24/2018 9:02 AM	MOU Updates.docx	DP - Deliberative Process	Draft table of updates of MOUs with other agencies
0011282	0011282	0011282	0011282	Kelley, Karen (Federal); Uthmeier, James (Federal)	Walsh, Michael (Federal)	Comstock, Earl (Federal)	3/24/2018 17:27			Re: proposed insert on response rate.msg	AC - Attorney Client Privilege; PII - Personal Privacy; WP - Work Product; DP - Deliberative Process	Email exchange including Commerce counsel discussing draft decision memo and proposing edits
COM_DIS00019994	COM_DIS00019996	COM_DIS00019994	COM_DIS00019996	Walsh, Michael (Federal)	Jones, Christa D (CENSUS/ADEP FED)		3/26/2018 18:17			Re: Draft Language,.msg	ACP; DPP; PII	Exchanges with counsel seeking advice on the citizenship question
COM_DIS00019997	COM_DIS00019997	COM_DIS00019997	COM_DIS00019997	Walsh, Michael (Federal)	Jones, Christa D (CENSUS/ADEP FED)		3/19/2018 18:47			Re: Suggested revision to explanatory language to accompany citizenship question.msg	ACP; DPP; WP; PII	Correspondence seeking advice of counsel and deliberations on citizenship question
COM_DIS00020014	COM_DIS00020014	COM_DIS00020014	COM_DIS00020014	Jones, Christa D (CENSUS/ADEP FED)	Walsh, Michael (Federal)		3/26/2018 18:15			RE: Draft Language,.msg	ACP; DPP; WP; PII	Correspondence among counsel about explanatory language accompanying citizenship question.
COM_DIS00020017	COM_DIS00020017	COM_DIS00020017	COM_DIS00020017	Jones, Christa D (CENSUS/ADEP FED)	Walsh, Michael (Federal)		3/19/2018 18:51			RE: Suggested revision to explanatory language to accompany citizenship question.msg	ACP; DPP; WP; PII	Seeks advice from agency counsel and Office of General Counsel
COM_DIS00020018	COM_DIS00020018	COM_DIS00020018	COM_DIS00020018	Jones, Christa D (CENSUS/ADEP FED)	Walsh, Michael (Federal)		3/19/2018 18:32			FW: Suggested revision to explanatory language to accompany citizenship question.msg	ACP; DPP; WP; PII	Seeks advice of agency counsel and Office of General Counsel

Prod.: Beg. Bates	Prod.: End Bates	Prod.: Beg. Attach.	Prod.: End Attach.	To	From	CC	Date/Sent	AUTHOR	DATE TIME CRTD	File Name	Privilege	Privilege Comments
COM_DIS00020020	COM_DIS00020022	COM_DIS00020020	COM_DIS00020022	Walsh, Michael (Federal)	Jones, Christa D (CENSUS/ADEP FED)		3/26/2018 18:17			Re: Draft Language,.msg	ACP; DPP; WP; PII	Exchanges with counsel
COM_DIS00020023	COM_DIS00020023	COM_DIS00020023	COM_DIS00020023	Walsh, Michael (Federal)	Jones, Christa D (CENSUS/ADEP FED)		3/19/2018 18:47			Re: Suggested revision to explanatory language to accompany citizenship question.msg	ACP; DPP; WP; PII	Seeks advice of agency and Office of General Counsel counsel re citizenship
COM_DIS00020083	COM_DIS00020083	COM_DIS00020083	COM_DIS00020099	Walsh, Michael (Federal)	Jones, Christa D (CENSUS/ADEP FED)	Kelley, Karen (Federal); Jarmin, Ron (Federal); Lamas, Enrique (CENSUS/ADDP FED)	3/24/2018 16:15			Questions.msg	ACP; DPP; PII	Consultations with counsel regarding legal advice about citizenship question on the census.
COM_DIS00020093	COM_DIS00020093	COM_DIS00020083	COM_DIS00020099					John Maron Abowd (CENSUS/AD RM FED)	3/24/2018 9:10	20180324-Answer re 2010 short form and ACS.xlsx	ACP	Materials conveyed to DOC counsel pursuant to legal consultation on citizenship question.
COM_DIS00020094	COM_DIS00020094	COM_DIS00020083	COM_DIS00020099					Sandra L Clark (CENSUS/AC SO FED)	1/18/2018 16:15	ACS 2016 Breakoff Rates by Race Group for internet.xlsx	ACP	Materials conveyed to DOC counsel pursuant to legal consultation on citizenship question.
COM_DIS00020095	COM_DIS00020095	COM_DIS00020083	COM_DIS00020099					Sandra L Clark (CENSUS/AC SO FED)	2/1/2018 8:13	ACS Item Allocation Rates_2016, 2013, 2010.xlsx	ACP	Materials conveyed to DOC counsel pursuant to legal consultation on citizenship question.
COM_DIS00020096	COM_DIS00020096	COM_DIS00020083	COM_DIS00020099					Sandra L Clark (CENSUS/AC SO FED)	2/1/2018 8:13	Citizenship Questions_ACS Item Allocation Rates_2016, 2013, 2010.xlsx	ACP	Materials conveyed to DOC counsel pursuant to legal consultation on citizenship question.
COM_DIS00020097	COM_DIS00020097	COM_DIS00020083	COM_DIS00020099					Anthony Richards	11/9/2016 11:58	Percent of ACS response rates by mode 2010-2017.pptx	ACP	Materials conveyed to DOC counsel pursuant to legal consultation on citizenship question.
COM_DIS00020098	COM_DIS00020098	COM_DIS00020083	COM_DIS00020099					Stephanie K Baumgardner	6/13/2017 15:33	Percent of ACS response rates by mode 2010-2017.pptx*Microsoft_Excel_Worksheet.xlsx	ACP	Materials conveyed to DOC counsel pursuant to legal consultation on citizenship question.
COM_DIS00020099	COM_DIS00020099	COM_DIS00020083	COM_DIS00020099					Victoria Velkoff (CENSUS/AC SO FED)	3/23/2018 16:18	Response rates for ACS 2000- 2016.xlsx	ACP	Materials conveyed to DOC counsel pursuant to legal consultation on citizenship question.
COM_DIS00020127	COM_DIS00020127	COM_DIS00020127	COM_DIS00020143	Walsh, Michael (Federal)	Jones, Christa D (CENSUS/ADEP FED)	Kelley, Karen (Federal); Jarmin, Ron S (Federal); Lamas, Enrique (CENSUS/ADDP FED)	3/24/2018 16:15			Questions.msg	ACP; DPP; PII	Consultations with counsel regarding legal advice about citizenship question on the census, including recommendations, advice, and opinions.
COM_DIS00020137	COM_DIS00020137	COM_DIS00020127	COM_DIS00020143					John Maron Abowd (CENSUS/AD RM FED)	3/24/2018 9:10	20180324-Answer re 2010 short form and ACS.xlsx	ACP	Materials conveyed to DOC counsel pursuant to legal consultation on citizenship question.
COM_DIS00020138	COM_DIS00020138	COM_DIS00020127	COM_DIS00020143					Sandra L Clark (CENSUS/AC SO FED)	1/18/2018 16:15	ACS 2016 Breakoff Rates by Race Group for internet.xlsx	ACP	Materials conveyed to DOC counsel pursuant to legal consultation on citizenship question.

Prod.: Beg. Bates	Prod.: End Bates	Prod.: Beg. Attach.	Prod.: End Attach.	To	From	CC	Date/Sent	AUTHOR	DATE TIME CRTD	File Name	Privilege	Privilege Comments
COM_DIS00020139	COM_DIS00020139	COM_DIS00020127	COM_DIS00020143					Sandra L Clark (CENSUS/AC SO FED)	2/1/2018 8:13	ACS Item Allocation Rates_2016, 2013, 2010.xlsx	ACP	Materials conveyed to DOC counsel pursuant to legal consultation on citizenship question.
COM_DIS00020140	COM_DIS00020140	COM_DIS00020127	COM_DIS00020143					Sandra L Clark (CENSUS/AC SO FED)	2/1/2018 8:13	Citizenship Questions_ACS Item Allocation Rates_2016, 2013, 2010.xlsx	ACP	Materials conveyed to DOC counsel pursuant to legal consultation on citizenship question.
COM_DIS00020142	COM_DIS00020142	COM_DIS00020127	COM_DIS00020143					Stephanie K Baumgardner	6/13/2017 15:33	Percent of ACS response rates by mode 2010-2017.pptx*Microsoft_Excel_Worksheet.xlsx	ACP	Materials conveyed to DOC counsel pursuant to legal consultation on citizenship question.
COM_DIS00020143	COM_DIS00020143	COM_DIS00020127	COM_DIS00020143					Victoria Velkoff (CENSUS/AC SO FED)	3/23/2018 16:18	Response rates for ACS 2000- 2016.xlsx	ACP	Materials conveyed to DOC counsel pursuant to legal consultation on citizenship question.
COM_DIS00020144	COM_DIS00020144	COM_DIS00020144	COM_DIS00020160	Comstock, Earl (Federal); Uthmeier, James (Federal)	Walsh, Michael (Federal)	Kelley, Karen (Federal)	3/24/2018 16:25			Fw: Questions.msg	ACP	Consultations with counsel regarding legal advice about citizenship question on the census.
COM_DIS00020154	COM_DIS00020154	COM_DIS00020144	COM_DIS00020160					John Maron Abowd (CENSUS/ADM FED)	3/24/2018 9:10	20180324-Answer re 2010 short form and ACS.xlsx	ACP	Materials conveyed to DOC counsel pursuant to legal consultation on citizenship question.

# **EXHIBIT 48**

**DOJ CONSULTATIONS RELATED TO SECRETARY ROSS' JUNE 21  
MEMORANDUM**

(Green—Only AWP Asserted; Orange -- Only AWP & DPP Asserted; Black—ACP Asserted)

Documents Numbers
DOJ 00030041, 30326, 34258, 125968, 125969, 125970, 125971, 125972, 126089, 126090, 126091, 126092, 126093, 126094, 126097, 126098, 126111, 126121, 126122, 126123, 126124, 126125, 126126, 126127, 126128, 126129, 126130, 126133, 126134, 126135, 126136, 126137, 126138, 126139, 126140, 126289, 126290, 126291, 126292, 126295, 126296, 126299, 126302, 126305, 126306, 126307, 126313, 127128, 128661, 128662, 128663

# **EXHIBIT 49**

Prod.: Beg. Bates	Prod.: End Bates	Prod.: Beg. Attach.	Prod.: End Attach.	To	From	CC	Date/Sent	AUTHOR	DATE TIME CRTD	File Name	Privilege	Privilege Comments
DOJ00030041	DOJ00030041	DOJ00030040	DOJ00030041	N/A	N/A	N/A		Alex Haas	43271.69097	Supp Memo.docx	ACP; AWP; DPP	A draft filing in this case, which contains the mental impressions and strategies of the DOJ attorneys litigating this case, and also pre-dates the final filing.
DOJ00030326	DOJ00030326	DOJ00030326	DOJ00030327	Gore, John (CRT); Tucker, Rachael (OAG); Readler, Chad A. (CIV); McArthur, Eric (OASG); Murray,	Shumate, Brett A. (CIV)	N/A	43270.59306			census supplemental record.msg	ACP; AWP; DPP; PII	Email between DOJ attorneys discussing an upcoming, non-final production in this case. The email contains the mental impressions and strategies of the DOJ attorneys litigating this case, and also contains their thoughts and opinions about a non-final production that pre-dates the final production.
DOJ00034258	DOJ00034258	DOJ00034258	DOJ00034258	Mooppa, Hashim (CIV)	Gore, John (CRT)	N/A	6/15/18 8:03 AM			Fwd: Census.msg	AWP; DPP; PII	Communications between DOJ attorneys discussing their views on draft language for a filing in this litigation.
DOJ00036812	DOJ00036812	DOJ00036812	DOJ00036813	Gore, John (CRT); Tucker, Rachael (OAG); Murray, Michael (ODAG)	Shumate, Brett A. (CIV)	N/A	6/21/18 1:37 PM			201806219602743~201806211737250000~Z~B1146B76A19DC06EC411835C76D53011.EML	PII	PII redacted
DOJ00125968	DOJ00125968	DOJ00125968	DOJ00125968	McArthur, Eric (OASG)	Shumate, Brett A. (CIV)	N/A	6/18/18 3:03 PM			201806189348718 201806181903060000 Z C1056BE914B61152B4A9DB71DA1AEB11(1).EML	ACP; AWP; DPP	Email among DOJ attorneys discussing a the legal issues involved in this case, and seeking legal advice. The email contains DOJ attorneys' legal advice, opinions about how to proceed with the case, and mental impressions about the case. This discussion also pre-dates the final filing in the case and would reveal DOJ's decisionmaking process.



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DOJ00125969	DOJ00125969	DOJ00125969	DOJ00125969	McArthur, Eric (OASG)	Shumate, Brett A. (CIV)	N/A	6/18/18 3:03 PM			201806189348718 201806181903110000 ZC1055A3A061129C0D4E16B3097BA9611(1).EML	AWP; DPP	Email among DOJ attorneys discussing a the legal issues involved in this case. The email contains DOJ attorneys' advice and opinions about how to proceed with the case, and mental impressions about the case. This discussion also pre-dates the final filing in the case and would reveal DOJ's decisionmaking process.
DOJ00125970	DOJ00125970	DOJ00125970	DOJ00125972	McArthur, Eric (OASG)	Shumate, Brett A. (CIV)	N/A	6/18/18 3:02 PM			201806189348721 201806181902590000 ZC1059C8506D5200C17CCA3C32C1199A1(1).EML	ACP; AWP; DPP	Email among DOJ attorneys discussing a the legal issues involved in this case and seeking legal advice. The email contains DOJ attorneys' advice and opinions about how to proceed with the case, and mental impressions about the case. This discussion also pre-dates the final filing in the case and would reveal DOJ's decisionmaking process.
DOJ00125971	DOJ00125971	DOJ00125970	DOJ00125972	N/A	N/A	N/A		Kate Bailey	6/16/18 7:13 PM	Timeline for [REDACTED] Edited.docx	ACP; AWP; DPP	Outline of issues in this case prepared by DOJ attorneys to get input and legal advice from other DOJ attorneys. Document would reveal DOJ attorneys thoughts about how to proceed, and mental impressions about the case, and pre-dates upcoming filings in the case. File name has been redacted to avoid disclosing the topic of the legal advice.
DOJ00125972	DOJ00125972	DOJ00125970	DOJ00125972	N/A	N/A	N/A			6/11/18 3:39 PM	AR - NOT FILED DOCUMENT S - UNREDACTED for [REDACTED] --with highlights.pdf	ACP; AWP; DPP	Materials from the AR in this case, in unredacted form, circulated for the purpose of getting input and legal advice from other DOJ attorneys. The filename has been redacted to avoid disclosing the topic of the legal advice.

Prod.: Beg. Bates	Prod.: End Bates	Prod.: Beg. Attach.	Prod.: End Attach.	To	From	CC	Date/Sent	AUTHOR	DATE TIME CRTD	File Name	Privilege	Privilege Comments
DOJ00126089	DOJ00126089	DOJ00126089	DOJ00126090	Goldsmith, Aaron (CIV); McArthur, Eric (OASG)	Shumate, Brett A. (CIV)	Haas, Alex (CIV); Mooppan, Hashim (CIV); Readler, Chad A. (CIV); McArthur, Eric (OASG)	6/20/18 10:49 AM			201806209506323 201806201449590000 Z91486B44B2AA448F86210A2CC2E7AFA1(1).EML	AWP; DPP	Email between DOJ attorneys seeking input on a draft filing in this case. The email contains the mental impressions and strategies of the DOJ attorneys litigating this case, and also contains their thoughts and opinions about a non-final draft that pre-dates the final filing.
DOJ00126090	DOJ00126090	DOJ00126089	DOJ00126090	N/A	N/A	N/A		Alex Haas	6/20/18 10:14 AM	Proposed Supp Ross Memo 0620181030.docx	AWP; DPP	A draft filing in this case, circulated for the purpose of obtaining input from other DOJ attorneys, which contains the mental impressions and strategies of the DOJ attorneys litigating this case, and also pre-dates the final filing.
DOJ00126091	DOJ00126091	DOJ00126091	DOJ00126092	McArthur, Eric (OASG); Goldsmith, Andrew (ODAG)	Shumate, Brett A. (CIV)	Haas, Alex (CIV); Mooppan, Hashim (CIV); Readler, Chad A. (CIV); McArthur, Eric (OASG)	6/20/18 10:55 AM			201806209506626~201806201455010000~Z~915C99B1C46335901C091E643C914BA1(1).EML	AWP; DPP	Email between DOJ attorneys seeking input on a draft filing in this case.
DOJ00126092	DOJ00126092	DOJ00126091	DOJ00126092	N/A	N/A	N/A		Alex Haas	6/20/18 10:14 AM	Proposed Supp Ross Memo 0620181030.docx	AWP; DPP	A draft filing in this case, circulated for the purpose of obtaining input from other DOJ attorneys, which contains the mental impressions and strategies of the DOJ attorneys litigating this case, and also pre-dates the final filing.
DOJ00126093	DOJ00126093	DOJ00126093	DOJ00126094	Shumate, Brett A. (CIV); McArthur, Eric (OASG)	Goldsmith, Andrew (ODAG)	Haas, Alex (CIV); Mooppan, Hashim (CIV); Readler, Chad A. (CIV); McArthur, Eric (OASG); Murray, Michael (ODAG)	6/20/18 11:15 AM			201806209507881~201806201515510000~Z~A04827A74B57C9344B07685069EFCF41(1).EML	AWP; DPP	Email between DOJ attorneys seeking input on a draft filing in this case.

Prod.: Beg. Bates	Prod.: End Bates	Prod.: Beg. Attach.	Prod.: End Attach.	To	From	CC	Date/Sent	AUTHOR	DATE TIME CRTD	File Name	Privilege	Privilege Comments
DOJ00126094	DOJ00126094	DOJ00126093	DOJ00126094	N/A	N/A	N/A		Alex Haas	6/20/18 10:14 AM	Proposed Supp Ross Memo 062018 1030.docx	AWP; DPP	A draft filing in this case, circulated for the purpose of obtaining input from other DOJ attorneys, which contains the mental impressions and strategies of the DOJ attorneys litigating this case, and also pre-dates the final filing.
DOJ00126097	DOJ00126097	DOJ00126097	DOJ00126098	numerous	Murray, Michael (ODAG)	N/A	6/20/18 11:44 AM			2018062095 09565~20 1806201544 130000~Z~ A0B87A957 7467A1EBD 8BF3E570F D6B61(1).E ML	AWP; DPP	Email between DOJ attorneys seeking input on a draft filing in this case.
DOJ00126098	DOJ00126098	DOJ00126097	DOJ00126098	N/A	N/A	N/A		Alex Haas	6/20/18 10:14 AM	Proposed Supp Ross Memo 062018 1030.docx	AWP; DPP	A draft filing in this case, circulated for the purpose of obtaining input from other DOJ attorneys, which contains the mental impressions and strategies of the DOJ attorneys litigating this case, and also pre-dates the final filing.
DOJ00126111	DOJ00126111	DOJ00126108	DOJ00126111	N/A	N/A	N/A		Alex Haas	6/20/18 12:30 PM	Proposed Supp Ross Memo 062018 1030 (002).docx	AWP; DPP	A draft filing in this case, circulated for the purpose of obtaining input from other DOJ attorneys, which contains the mental impressions and strategies of the DOJ attorneys litigating this case, and also pre-dates the final filing.
DOJ00126121	DOJ00126121	DOJ00126121	DOJ00126122	numerous	Wall, Jeffrey B. (OSG)	N/A	6/20/18 4:02 PM			2018062095 25107 20 1806202002 530000 Z D08C90735 675D6AE5A 1029621DC C6B81(1).E ML	AWP; DPP	Email between DOJ attorneys seeking input on a draft filing in this case. The email contains the mental impressions and strategies of the DOJ attorneys litigating this case, and also contains their thoughts and opinions about a non-final draft that pre-dates the final filing.

Prod.: Beg. Bates	Prod.: End Bates	Prod.: Beg. Attach.	Prod.: End Attach.	To	From	CC	Date/Sent	AUTHOR	DATE TIME CRTD	File Name	Privilege	Privilege Comments
DOJ00126122	DOJ00126122	DOJ00126121	DOJ00126122	N/A	N/A	N/A		Alex Haas	6/20/18 3:51 PM	REVISED Supp Ross Memo.docx	AWP; DPP	A draft filing in this case, circulated for the purpose of obtaining input from other DOJ attorneys, which contains the mental impressions and strategies of the DOJ attorneys litigating this case, and also pre-dates the final filing.
DOJ00126123	DOJ00126123	DOJ00126123	DOJ00126124	numerous	Oestericher, Jeffrey (USANYS)	N/A	6/20/18 4:39 PM			201806209527262 201806202039210000 ZD11C4400F2569AA0A4C4DC82F8994021(1).E ML	AWP; DPP	Email between DOJ attorneys seeking input on a draft filing in this case. The email contains the mental impressions and strategies of the DOJ attorneys litigating this case, and also contains their thoughts and opinions about a non-final draft that pre-dates the final filing.
DOJ00126124	DOJ00126124	DOJ00126123	DOJ00126124	N/A	N/A	N/A		Alex Haas	6/20/18 4:35 PM	REVISED Supp Ross Memo (jo).docx	AWP; DPP	A draft filing in this case, circulated for the purpose of obtaining input from other DOJ attorneys, which contains the mental impressions and strategies of the DOJ attorneys litigating this case, and also pre-dates the final filing.
DOJ00126125	DOJ00126125	DOJ00126125	DOJ00126126	numerous	Oestericher, Jeffrey (USANYS)	N/A	6/20/18 4:39 PM			201806209527264 201806202039210000 ZD11C741BB2E7EFCE51F233C0106A06A1(1).E ML	AWP; DPP	Email between DOJ attorneys seeking input on a draft filing in this case. The email contains the mental impressions and strategies of the DOJ attorneys litigating this case, and also contains their thoughts and opinions about a non-final draft that pre-dates the final filing.
DOJ00126126	DOJ00126126	DOJ00126125	DOJ00126126	N/A	N/A	N/A		Alex Haas	6/20/18 4:35 PM	REVISED Supp Ross Memo (jo).docx	AWP; DPP	A draft filing in this case, circulated for the purpose of obtaining input from other DOJ attorneys, which contains the mental impressions and strategies of the DOJ attorneys litigating this case, and also pre-dates the final filing.

Prod.: Beg. Bates	Prod.: End Bates	Prod.: Beg. Attach.	Prod.: End Attach.	To	From	CC	Date/Sent	AUTHOR	DATE TIME CRTD	File Name	Privilege	Privilege Comments
DOJ00126127	DOJ00126127	DOJ00126127	DOJ00126128	Walsh, Michael (Commerce )	Shumate, Brett A. (CIV)	McArthur, Eric (OASG); Mooppan, Hashim (CIV)	6/20/18 5:33 PM			201806209530502 201806202133010000 Z E08C4DE443122D99AAFA441B5B0CB811(1).E ML	AWP; DPP	Email between seeking input on a draft filing in this case.
DOJ00126128	DOJ00126128	DOJ00126127	DOJ00126128	N/A	N/A	N/A		Alex Haas	6/20/18 4:35 PM	Supp Memo.docx	AWP; DPP	A draft filing in this case, circulated for the purpose of obtaining input, which contains the mental impressions and strategies of the DOJ attorneys litigating this case, and also pre-dates the final filing.
DOJ00126129	DOJ00126129	DOJ00126129	DOJ00126130	Mooppan, Hashim (CIV); Readler, Chad A. (CIV); Haas, Alex (CIV); Wall, Jeffrey B. (OSG); Murray,	Shumate, Brett A. (CIV)	N/A	6/20/18 5:38 PM			201806209530805 201806202138100000 Z E0A0702773913C6BED0521A9A78B9081(1).E ML	AWP; DPP	Email between seeking input on a draft filing in this case. The email contains the mental impressions and strategies of the DOJ attorneys litigating this case, and also contains their thoughts and opinions about a non-final draft that pre-dates the final filing.
DOJ00126130	DOJ00126130	DOJ00126129	DOJ00126130	N/A	N/A	N/A		Alex Haas	6/20/18 4:35 PM	Supp Memo.docx	AWP; DPP	A draft filing in this case, circulated for the purpose of obtaining input, which contains the mental impressions and strategies of the DOJ attorneys litigating this case, and also pre-dates the final filing.
DOJ00126133	DOJ00126133	DOJ00126133	DOJ00126134	Shumate, Brett A. (CIV)	Walsh, Michael (Commerce)	McArthur, Eric (OASG); Mooppan, Hashim (CIV)	6/21/18 9:15 AM			201806219587143 201806211315160000 Z 813C611A45D3AC3A634349A40C756B91(1).E ML	AWP; DPP	Email between seeking input on a draft filing in this case. The email contains the mental impressions and strategies of the DOJ attorneys litigating this case, and also contains their thoughts and opinions about a non-final draft that pre-dates the final filing.
DOJ00126134	DOJ00126134	DOJ00126133	DOJ00126134	N/A	N/A	N/A		Alex Haas	6/20/18 4:35 PM	Supp Memo.docx	AWP; DPP	A draft filing in this case, circulated for the purpose of obtaining input, which contains the mental impressions and strategies of the DOJ attorneys litigating this case, and also pre-dates the final filing.

Prod.: Beg. Bates	Prod.: End Bates	Prod.: Beg. Attach.	Prod.: End Attach.	To	From	CC	Date/Sent	AUTHOR	DATE TIME CRTD	File Name	Privilege	Privilege Comments
DOJ00126135	DOJ00126135	DOJ00126135	DOJ00126136	numerous	Shumate, Brett A. (CIV)	N/A	6/21/18 9:21 AM			201806219587385 201806211321320000 Z814C88ACA7D0179E2208E85A83F94501(1).E ML	AWP; DPP	Email between seeking input on a draft filing in this case. The email contains the mental impressions and strategies of the DOJ attorneys litigating this case, and also contains their thoughts and opinions about a non-final draft that pre-dates the final filing.
DOJ00126136	DOJ00126136	DOJ00126135	DOJ00126136	N/A	N/A	N/A		Alex Haas	6/20/18 4:35 PM	Supp Memo.docx	AWP; DPP	A draft filing in this case, circulated for the purpose of obtaining input, which contains the mental impressions and strategies of the DOJ attorneys litigating this case, and also pre-dates the final filing.
DOJ00126137	DOJ00126137	DOJ00126137	DOJ00126138	Mooppa, Hashim (CIV); McArthur, Eric (OASG)	Shumate, Brett A. (CIV)	N/A	6/21/18 9:23 AM			201806219587501 201806211323400000 Z815441ABE92FBE0C1062D21507187B1(1).E ML	AWP; DPP	Email between seeking input on a draft filing in this case. The email contains the mental impressions and strategies of the DOJ attorneys litigating this case, and also contains their thoughts and opinions about a non-final draft that pre-dates the final filing.
DOJ00126138	DOJ00126138	DOJ00126137	DOJ00126138	N/A	N/A	N/A		bshumate	6/21/18 9:23 AM	Supp Memo (003).pdf	AWP	A draft filing in this case, circulated for the purpose of obtaining input from other DOJ attorneys, which contains the mental impressions and strategies of the DOJ attorneys litigating this case, and also pre-dates the final filing.
DOJ00126139	DOJ00126139	DOJ00126139	DOJ00126140	Shumate, Brett A. (CIV)	Walsh, Michael (Commerce)	McArthur, Eric (OASG); Mooppa, Hashim (CIV)	6/21/18 1:26 PM			201806219602142 201806211726020000 ZBOEC4276774D9C8095638C61C67B7A11(1).E ML	AWP; DPP	Redaction made to draft memorandum written by Secretary Ross regarding census litigation.
DOJ00126140	DOJ00126140	DOJ00126139	DOJ00126140	N/A	N/A	N/A			6/21/18 2:40 PM	Ross Supp. Memo re Census Lit. AR.PDF	AWP	Redaction made to draft memorandum written by Secretary Ross regarding census litigation.

Prod.: Beg. Bates	Prod.: End Bates	Prod.: Beg. Attach.	Prod.: End Attach.	To	From	CC	Date/Sent	AUTHOR	DATE TIME CRTD	File Name	Privilege	Privilege Comments
DOJ00126289	DOJ00126289	DOJ00126289	DOJ00126290	Shumate, Brett A. (CIV)	Walsh, Michael (Commerce)	McArthur, Eric (OASG); Mooppan, Hashim (CIV)	6/21/18 1:26 PM			Supplemental Memo.msg	AWP; DPP; PII	Redacted for PII (email), and draft of supplemental Memo regarding administrative record in census litigation.
DOJ00126290	DOJ00126290	DOJ00126289	DOJ00126290	N/A	N/A	N/A			6/21/18 2:40 PM	Ross Supp. Memo re Census Lit. AR.PDF	AWP; DPP	A draft filing in this case, circulated for the purpose of obtaining input from DOJ attorneys, which contains the mental impressions and strategies of attorneys, and also pre-dates the final filing.
DOJ00126291	DOJ00126291	DOJ00126291	DOJ00126292	Shumate, Brett A. (CIV)	Walsh, Michael (Commerce)	McArthur, Eric (OASG); Mooppan, Hashim (CIV)	6/21/18 9:15 AM			RE: PRIVILEGED /DELIBERATIVE.msg	ACP; AWP; DPP; PII	Email between DOJ attorneys and attorneys at the Department of Commerce addressing a draft filing in this litigation.
DOJ00126292	DOJ00126292	DOJ00126291	DOJ00126292	N/A	N/A	N/A		Alex Haas	6/20/18 4:35 PM	Supp Memo.docx	ACP; AWP; DPP	Draft of a filing in this litigation, provided to Commerce for the purpose of providing legal advice. The draft includes edits by an attorney that would reveal that attorneys' mental impressions and pre-dates the final filing in this case.
DOJ00126295	DOJ00126295	DOJ00126295	DOJ00126295	Shumate, Brett A. (CIV); Mooppan, Hashim (CIV)	McArthur, Eric (OASG)	Readler, Chad A. (CIV); Haas, Alex (CIV)	6/20/18 12:50 PM			RE: 2018_06_19 Declaration Supplementing AR KB.msg	AWP; DPP	Email among DOJ attorneys discussing a draft supplemental statement in this case. The email contains DOJ attorneys' advice and opinions about how to proceed with the case, and mental impressions about the case. This discussion also pre-dates the statement and would reveal DOJ's decisionmaking process.
DOJ00126296	DOJ00126296	DOJ00126296	DOJ00126299	Wall, Jeffrey B. (OSG); Kneedler, Edwin S (OSG)	McArthur, Eric (OASG)	N/A	6/20/18 12:36 PM			census meeting materials.msg	AWP; DPP	Email between DOJ attorneys seeking input on a draft filing in this case. The email contains the mental impressions and strategies of the DOJ attorneys litigating this case, and also contains their thoughts and opinions about a non-final draft that pre-dates the final filing.

Prod.: Beg. Bates	Prod.: End Bates	Prod.: Beg. Attach.	Prod.: End Attach.	To	From	CC	Date/Sent	AUTHOR	DATE TIME CRTD	File Name	Privilege	Privilege Comments
DOJ00126299	DOJ00126299	DOJ00126296	DOJ00126299	N/A	N/A	N/A		Alex Haas	6/20/18 12:30 PM	Proposed Supp Ross Memo 062018 1030 (002).docx	AWP; DPP	Draft filing prepared by DOJ attorneys for this case that reflects the mental impressions of DOJ attorneys and pre-dates any final filing.
DOJ00126302	DOJ00126302	DOJ00126302	DOJ00126304	N/A	Unspecified Sender	N/A	6/20/18 12:21 PM			FW: 2018_06_19 Declaration Supplementing AR KB.msg	AWP; DPP; PII	Email chain by DOJ attorneys discussing a declaration to be filed in citizenship question litigation. Private contact information also withheld.
DOJ00126305	DOJ00126305	DOJ00126305	DOJ00126305	numerous	Shumate, Brett A. (CIV)	charles ex; Kneedler, Edwin S (OSG); Wall, Jeffrey B. (OSG); Panuccio, Jesse (OASG); Francisco, Noel (OSG)	6/20/18 11:49 AM			Census Meeting/Ca ll.msg	AWP; DPP	Email among DOJ attorneys discussing a draft supplemental statement in this case. The email contains DOJ attorneys' advice and opinions about how to proceed with the case, and mental impressions about the case. This discussion also pre-dates the statement and would reveal DOJ's decisionmaking process.
DOJ00126306	DOJ00126306	DOJ00126306	DOJ00126306	numerous	Shumate, Brett A. (CIV)	N/A	6/20/18 11:49 AM			Census Meeting/Ca ll.msg	AWP; DPP	Email among DOJ attorneys discussing a draft supplemental statement in this case. The email contains DOJ attorneys' advice and opinions about how to proceed with the case, and mental impressions about the case. This discussion also pre-dates the statement and would reveal DOJ's decisionmaking process.
DOJ00126307	DOJ00126307	DOJ00126307	DOJ00126308	Panuccio, Jesse (OASG)	McArthur, Eric (OASG)	N/A	6/19/18 8:18 PM			FW: census - AR notice of filing.msg	AWP; DPP; PII	Email among DOJ attorneys discussing a draft supplemental statement in this case. The email contains DOJ attorneys' advice and opinions about how to proceed with the case, and mental impressions about the case. This discussion also pre-dates the statement and would reveal DOJ's decisionmaking process.



Prod.: Beg. Bates	Prod.: End Bates	Prod.: Beg. Attach.	Prod.: End Attach.	To	From	CC	Date/Sent	AUTHOR	DATE TIME CRTD	File Name	Privilege	Privilege Comments
DOJ00126313	DOJ00126313	DOJ00126313	DOJ00126313	Shumate, Brett A. (CIV); Mooppan, Hashim (CIV)	McArthur, Eric (OASG)	Haas, Alex (CIV)	6/19/18 2:54 PM			RE: Commerce request.msg	AWP; DPP	Email among DOJ attorneys discussing a draft supplemental statement in this case. The email contains DOJ attorneys' advice and opinions about how to proceed with the case, and mental impressions about the case. This discussion also pre-dates the statement and would reveal DOJ's decisionmaking process.
DOJ00127128	DOJ00127129	DOJ00127128	DOJ00127129	Panuccio, Jesse (OASG)	McArthur, Eric (OASG) - on behalf of - Shumate, Brett A. (CIV)	N/A	6/20/18 12:57 PM			201806209513943~201806201657150000~Z~B0744ACCD D7F9EFDB4413F5CC07710A1.EML	AWP; DPP; PII	Email chain between DOJ attorneys discussing a draft supplemental memo to be filed in citizenship question litigation. Private contact information also redacted.
DOJ00128661	DOJ00128661	DOJ00128661	DOJ00128661	numerous	Shumate, Brett A. (CIV)	charles ex; Kneedler, Edwin S (OSG); Wall, Jeffrey B. (OSG); Panuccio, Jesse (OASG)	6/20/18 12:57 PM			FW: Census Meeting/Ca ll.msg	AWP; DPP	Email among DOJ attorneys discussing a draft supplemental statement in this case. The email contains DOJ attorneys' advice and opinions about how to proceed with the case, and mental impressions about the case. This discussion also pre-dates the statement and would reveal DOJ's decisionmaking process.
DOJ00128662	DOJ00128662	DOJ00128662	DOJ00128662	numerous	Shumate, Brett A. (CIV)	charles ex; Kneedler, Edwin S (OSG); Wall, Jeffrey B. (OSG)	6/20/18 12:57 PM			FW: Census Meeting/Ca ll.msg	AWP; DPP	Email among DOJ attorneys discussing a draft supplemental statement in this case. The email contains DOJ attorneys' advice and opinions about how to proceed with the case, and mental impressions about the case. This discussion also pre-dates the statement and would reveal DOJ's decisionmaking process.

Prod.: Beg. Bates	Prod.: End Bates	Prod.: Beg. Attach.	Prod.: End Attach.	To	From	CC	Date/Sent	AUTHOR	DATE TIME CRTD	File Name	Privilege	Privilege Comments
DOJ00128663	DOJ00128663	DOJ00128663	DOJ00128663	Brett A. (CIV); Murray, Michael (ODAG); Haas, Alex (CIV); McArthur, Eric (OASG); Griffiths, John (CIV); Wells, Carlotta (CIV); Oestericher, Jeffrey (USANYS); Tarczynska, Dominika (USANYS); Eshkenazi, Lara (USANYS); Vargas, Jeannette (USANYS);	Shumate, Brett A. (CIV)	charles ex; Kneedler, Edwin S (OSG); Wall, Jeffrey B. (OSG); Panuccio, Jesse (OASG); Francisco, Noel (OSG)	6/20/18 12:57 PM			FW: Census Meeting/Ca ll.msg	AWP; DPP	Email among DOJ attorneys discussing a draft supplemental statement in this case. The email contains DOJ attorneys' advice and opinions about how to proceed with the case, and mental impressions about the case. This discussion also pre-dates the statement and would reveal DOJ's decisionmaking process.